



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H8015	3
H8016	4
HF2282	6
HF2283	8
HF2284	12
HF2285	18
HF2286	21
HF2287	28
HF2288	39
HF2289	50
HF2290	58
HF2291	60
HF2292	64
HF2293	66
HF2294	71
HF2295	75
HF2296	78
HF2297	81
HF2298	84
HF2299	86
HF2300	102
HF2301	107
HF2302	110
HF2303	112
HF2304	115
HF2305	124
HF2306	153
HF2307	156
HF2308	159
HF2309	169
HF2310	175
HF2311	178
HF2312	186
HSB652	190
HSB653	193
HSB654	198



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

HSB655	203
HSB656	207
HSB657	212
HSB658	217
HSB659	219
SF2219	221
SF2220	224
SF2221	235
SF2222	239
SF2223	241
SF2224	244
SF2225	251
SF2226	258
SF2227	263
SSB3197	265
SSB3198	276
SSB3199	288



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2219

H-8015

1 Amend House File 2219 as follows:
2 1. Page 1, line 13, by striking <"a"> and inserting
3 <"b">
4 2. Page 22, after line 9 by inserting:
5 <Sec. _____. Section 508.37, subsection 6, paragraph
6 h, Code 2014, is amended by adding the following new
7 subparagraph:
8 NEW SUBPARAGRAPH. (8) For policies issued on
9 or after the operative date of the valuation manual,
10 the valuation manual shall provide the Commissioners
11 Standard Mortality Table for use in determining the
12 minimum nonforfeiture standard that may be substituted
13 for the Commissioners 1961 Standard Industrial
14 Mortality Table or the Commissioners 1961 Industrial
15 Extended Term Insurance Table. If the commissioner
16 approves by regulation any Commissioners Standard
17 Industrial Mortality Table adopted by the national
18 association of insurance commissioners for use in
19 determining the minimum nonforfeiture standard for
20 policies issued on or after the operative date of the
21 valuation manual, then that minimum nonforfeiture
22 standard supersedes the minimum nonforfeiture standard
23 provided by the valuation manual.>
24 3. Page 22, line 19, after <percent> by inserting
25 <, provided, however, that the nonforfeiture interest
26 rate shall not be less than four percent>
27 4. By renumbering as necessary.

PETTENGILL of Benton

HF2219.2717 (1) 85

-1-

rj/nh

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2084

H-8016

1 Amend House File 2084 as follows:

2 1. Page 6, after line 31 by inserting:

3 <Sec. _____. Section 35D.1, subsection 1, Code 2014,
4 is amended to read as follows:

5 1. The Iowa veterans home, located in Marshalltown,
6 shall be maintained as a long-term health care facility
7 providing nursing and residential levels of care for
8 honorably discharged veterans and their dependent
9 spouses, surviving spouses of honorably discharged
10 veterans, and gold star parents. Eligibility
11 requirements for admission to the Iowa veterans home
12 shall coincide with the eligibility requirements for
13 care and treatment in a United States department of
14 veterans affairs facility pursuant to 38 U.S.C. § 1710,
15 and regulations promulgated under that section, as
16 amended. For the purposes of this subsection, "*gold*
17 *star parent*" means a parent of a deceased member of
18 the United States armed forces who died while ~~serving~~
19 ~~on active performing military duty during a time~~
20 ~~of military conflict~~, as defined in section 29A.1,
21 subsection 3, 8, or 12, or who died as a result of such
22 service.>

23 2. Page 7, after line 6 by inserting:

24 <Sec. _____. Section 321.34, subsection 24, Code
25 2014, is amended to read as follows:

26 24. *Gold star plates*. An owner referred to in
27 subsection 12 who is the surviving spouse, parent,
28 child, or sibling of a deceased member of the United
29 States armed forces who died while ~~serving on active~~
30 ~~performing military duty during a time of military~~
31 ~~conflict~~, as defined in section 29A.1, subsection 3,
32 8, or 12, or who died as a result of such service may
33 order special registration plates bearing a gold star
34 emblem upon written application to the department
35 accompanied by satisfactory supporting documentation
36 as determined by the department. The gold star emblem
37 shall be designed by the department in cooperation with
38 the commission of veterans affairs. The special plate
39 fees collected by the director under subsection 12,
40 paragraphs "a" and "c", from the issuance and annual
41 validation of letter-number designated and personalized
42 gold star plates shall be paid monthly to the treasurer
43 of state and deposited in the road use tax fund. The
44 treasurer of state shall transfer monthly from the
45 statutory allocations fund created under section
46 321.145, subsection 2, to the veterans license fee fund
47 created in section 35A.11 the amount of the special
48 fees collected under subsection 12, paragraph "a", in
49 the previous month for gold star plates.>

50 3. Title page, line 1, after <to> by inserting

HF2084.2731 (1) 85

-1-

aw/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

1 <veterans, including provisions for gold star parents
2 and the duties and administration of the>
3 4. By renumbering as necessary.

ALONS of Sioux



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2282 - Introduced

HOUSE FILE 2282

BY ALONS, SHAW, FRY,
SHEETS, GASSMAN, SALMON,
HEARTSILL, WATTS, SCHULTZ,
BRANDENBURG, and LOFGREN

A BILL FOR

1 An Act requiring display of the motto "in God we trust" by
2 school districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5727YH (4) 85
kh/rj

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014**

H.F. 2282

1 Section 1. NEW SECTION. 279.70 Display of motto.
2 The board of directors of each school district shall cause
3 to be displayed the motto "in God we trust", which is declared
4 in federal law, 36 U.S.C. §302, to be the national motto of
5 the United States, in every school building in the school
6 district in a manner which may include but not be limited to
7 the prominent display of a wall plaque or artwork that results
8 from a student contest.

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill directs school districts to display the motto "in
13 God we trust", which is declared in federal law 36 U.S.C. §302
14 to be the national motto of the United States, in every school
15 building in the school district in a manner which may include
16 but not be limited to the prominent display of a wall plaque or
17 artwork that results from a student contest.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2283 - Introduced

HOUSE FILE 2283

BY ANDERSON

(COMPANION TO SF 2176 BY
PETERSEN)

A BILL FOR

- 1 An Act establishing a refugee family support services pilot
- 2 program and making appropriations.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5717YH (3) 85
ad/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2283

1 Section 1. NEW SECTION. 256I.14 Refugee family support
2 services pilot program.

3 1. The state board shall develop, promote, and administer a
4 refugee family support services pilot program for purposes of
5 providing grants to state, local, or community organizations
6 working with refugee populations to contract with and train
7 multiple refugees to act as refugee community navigators.
8 Financial assistance under the program shall be provided from
9 moneys allocated to the school ready children grants account in
10 the early childhood Iowa fund.

11 2. A state, local, or community organization is eligible for
12 a grant if at least one school district in the organization's
13 county service area has a minority student enrollment of
14 greater than fifty percent and the service area has a large
15 number of emerging refugee populations.

16 3. The organizations awarded a grant pursuant to this
17 section shall recruit and train multiple refugee community
18 navigators to educate and provide direct assistance to their
19 respective refugee communities so the refugee communities can
20 successfully access and utilize existing community resources
21 and services.

22 4. The refugee community navigators shall train other
23 refugee community members and shall offer home-based,
24 peer-group learning sessions about resources in the community.

25 5. The grants awarded pursuant to this section shall be
26 used for employment costs of a program manager and community
27 navigator coordinator, and contract costs for multiple
28 refugee community navigators for each organization. The
29 refugee community navigators recruited and trained by an
30 organization under a grant shall receive at least one hundred
31 thousand dollars each year of the grant moneys awarded to the
32 organization.

33 6. The state board shall award four grants to state,
34 local, or community organizations through a competitive
35 application process. The state board shall provide moneys over

LSB 5717YH (3) 85

-1-

ad/rj

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2283

1 a three-year period to the organizations awarded a grant.

2 7. A state, local, or community organization awarded a
3 grant pursuant to this section shall provide the state board
4 with annual progress reports. The state board shall present a
5 report of the program goals and outcomes of each awarded grant
6 to the general assembly.

7 8. The state board shall conduct a comprehensive review of
8 the refugee family support services pilot program and shall,
9 by December 31, 2016, submit a report of its review, as well as
10 any recommendations and cost projections of its recommendations
11 to the governor and the general assembly.

12 9. The state board may expend program moneys for
13 administrative expenses as provided by law.

14 Sec. 2. REFUGEE FAMILY SUPPORT SERVICES PILOT PROGRAM
15 APPROPRIATION. There is appropriated from the general fund
16 of the state to the department of education for the following
17 fiscal years, the following amounts, or so much thereof as is
18 necessary, to be used for the purposes designated:

19 For deposit in the school ready children grants account in
20 the early childhood Iowa fund created in section 256I.11, to be
21 used for the purposes of the refugee family support services
22 pilot program established in section 256I.14:

23 FY 2014-2015.....	\$	746,400
24 FY 2015-2016.....	\$	746,400
25 FY 2016-2017.....	\$	746,400

26 Of the moneys appropriated for each fiscal year, \$40,000
27 may be used for the early childhood Iowa state board's
28 administration costs for developing, promoting, and
29 administering the program.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill establishes a refugee family support services
34 pilot program and makes appropriations. The bill directs the
35 early childhood Iowa state board to develop and administer

LSB 5717YH (3) 85
ad/rj

2/3



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014**

H.F. 2283

1 the refugee family support services pilot program to provide
2 grants to state, local, or community organizations working
3 with refugee populations for contracting with and training
4 multiple refugees to act as refugee community navigators.
5 An organization is eligible for a grant if at least one
6 school district within that organization's county service
7 area has a minority student enrollment of greater than 50
8 percent and the service area has a large number of emerging
9 refugee populations. The bill requires the grants to be used
10 for employment costs of a program manager and a community
11 navigator coordinator, and the contract costs of multiple
12 refugee community navigators. The bill provides that the
13 community navigators shall receive at least \$100,000 each year
14 of a grant awarded to an organization. The bill directs the
15 early childhood Iowa state board to award four grants through
16 a competitive application process and to provide funding
17 for those organizations over a three-year period. The bill
18 requires the organizations selected to provide the state board
19 with annual progress reports. The bill requires the state
20 board to present an outcomes report to the general assembly.
21 The bill appropriates \$746,400 from the general fund of the
22 state to the department of education in fiscal years 2014-2015,
23 2015-2016, and 2016-2017 for deposit in the school ready
24 children grants account in the early childhood Iowa fund to be
25 used for purposes of the program established in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2284 - Introduced

HOUSE FILE 2284

BY SHAW, SCHULTZ, HEARTSILL,
ALONS, SALMON, SHEETS,
GASSMAN, DOLECHECK, and
HUSEMAN

A BILL FOR

1 An Act relating to the carrying and possession of weapons and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5628YH (7) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2284

1 Section 1. Section 232.52, subsection 2, paragraph a,
2 subparagraph (4), subparagraph division (a), subparagraph
3 subdivision (viii), Code 2014, is amended to read as follows:
4 (viii) Section 724.4, if the child ~~carried the dangerous~~
5 ~~weapon~~ used the knife in the commission of a crime on school
6 grounds.

7 Sec. 2. Section 708.8, Code 2014, is amended to read as
8 follows:

9 **708.8 Going armed with intent.**

10 A person who goes armed with any dangerous weapon with the
11 intent to use without justification such weapon against the
12 person of another commits a class "D" felony. The intent
13 required for a violation of this section shall not be inferred
14 from the mere carrying or concealment of any dangerous weapon
15 itself, including the carrying of a loaded firearm, whether in
16 a vehicle or on or about a person's body.

17 Sec. 3. Section 724.4, Code 2014, is amended by striking the
18 section and inserting in lieu thereof the following:

19 **724.4 Use of a knife in the commission of a crime.**

20 A person who goes armed with a knife on or about the person,
21 if the person uses the knife in the commission of a crime,
22 commits an aggravated misdemeanor.

23 Sec. 4. Section 724.4B, Code 2014, is amended by striking
24 the section and inserting in lieu thereof the following:

25 **724.4B Carrying weapons on school grounds — penalty —**
26 **exceptions.**

27 1. A person who goes armed with, carries, or transports a
28 firearm of any kind, whether concealed or not, on the grounds
29 of a school commits a class "D" felony. For the purposes of
30 this section, "school" means a public or nonpublic school as
31 defined in section 280.2.

32 2. Subsection 1 does not apply to the following:

33 a. A person who has been specifically authorized by the
34 school to go armed with, carry, or transport a firearm on the
35 school grounds for any lawful purpose.

LSB 5628YH (7) 85

-1-

rh/rj

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2284

1 *b.* A peace officer, when the officer's duties require the
2 person to carry such weapons.

3 *c.* A member of the armed forces of the United States or
4 of the national guard or person in the service of the United
5 States, when the weapons are carried in connection with the
6 person's duties as such.

7 *d.* A correctional officer, when the officer's duties
8 require, serving under the authority of the Iowa department of
9 corrections.

10 *e.* A person who for any lawful purpose carries an unloaded
11 pistol, revolver, or other dangerous weapon inside a closed and
12 fastened container or securely wrapped package which is too
13 large to be concealed on the person.

14 *f.* A person who for any lawful purpose carries or transports
15 an unloaded pistol or revolver in a vehicle inside a closed
16 and fastened container or securely wrapped package which is
17 too large to be concealed on the person or inside a cargo
18 or luggage compartment where the pistol or revolver will not
19 be readily accessible to any person riding in the vehicle or
20 common carrier.

21 *g.* A law enforcement officer from another state when the
22 officer's duties require the officer to carry the weapon and
23 the officer is in this state for any of the following reasons:

24 (1) The extradition or other lawful removal of a prisoner
25 from this state.

26 (2) Pursuit of a suspect in compliance with chapter 806.

27 (3) Activities in the capacity of a law enforcement officer
28 with the knowledge and consent of the chief of police of the
29 city or the sheriff of the county in which the activities occur
30 or of the commissioner of public safety.

31 Sec. 5. Section 724.4C, Code 2014, is amended to read as
32 follows:

33 **724.4C Possession or carrying of firearms while under the**
34 **influence.**

35 1. ~~A permit issued under this chapter is invalid if the~~

LSB 5628YH (7) 85

-2-

rh/rj

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2284

1 Except as provided in subsection 2, a person to whom the permit
2 is issued is commits a serious misdemeanor if the person
3 is intoxicated as provided under the conditions set out in
4 section 321J.2, subsection 1-, and the person does any of the
5 following:

6 a. Carries a dangerous weapon on or about the person.

7 b. Carries a weapon within the person's immediate access or
8 reach while in a vehicle.

9 2. This section shall not apply to any of the following:

10 a. A person who carries or possesses a dangerous weapon
11 while in the person's own dwelling, place of business, or on
12 land owned or lawfully possessed by the person.

13 b. The transitory possession or use of a firearm during
14 an act of justified self-defense or justified defense of
15 another, provided that the possession lasts no longer than is
16 immediately necessary to resolve the emergency.

17 Sec. 6. Section 724.5, Code 2014, is amended by striking the
18 section and inserting in lieu thereof the following:

19 **724.5 Availability of permit not to be construed as**
20 **prohibition on unlicensed carrying of weapons.**

21 The availability of a professional or nonprofessional permit
22 to carry weapons under this chapter shall not be construed
23 to impose a general prohibition on the unlicensed carrying,
24 whether openly or concealed, of a deadly weapon, including a
25 loaded firearm.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the carrying and possession of weapons
30 and provides penalties.

31 The bill amends Code section 708.8, the crime of going armed
32 with a dangerous weapon with intent, a class "D" felony, to
33 provide that the intent element required for a violation of
34 this crime shall not be inferred from the mere carrying or
35 concealment of a dangerous weapon.

LSB 5628YH (7) 85

-3-

rh/rj

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2284

1 The bill strikes Code section 724.4 relating to the crime of
2 carrying dangerous weapons, an aggravated misdemeanor, without
3 a valid permit or in other enumerated circumstances. Instead,
4 the bill section creates a new crime of going armed with a
5 knife in the commission of a crime, an aggravated misdemeanor.
6 The bill makes a conforming change to Code section 232.52,
7 subsection 2, relating to the suspension or revocation of a
8 juvenile's driver's license or operating privilege. The bill
9 also makes a conforming Code change to Code section 724.4B,
10 relating to the carrying of weapons on school grounds, to
11 specifically include certain categories of persons who are
12 authorized to carry weapons on school grounds.

13 The bill amends Code section 724.4C relating to the crime of
14 possession or carrying of firearms while under the influence
15 of alcohol or a drug. Current law invalidates a permit to
16 carry weapons if the person to whom the permit is issued is
17 intoxicated, as defined in Code section 321J.2, subsection 1
18 (while under the influence of an alcoholic beverage or other
19 drug or a combination of such substances, while having an
20 alcohol concentration of .08 or more, or while any amount of a
21 controlled substance is present in the person, as measured in
22 the person's blood or urine). The bill amends this provision
23 to provide that a person commits a serious misdemeanor if
24 the person is intoxicated and the person either carries a
25 dangerous weapon on or about the person or carries a dangerous
26 weapon within the person's immediate access or reach while in
27 a vehicle. This crime does not apply to situations where a
28 person carries or possesses a dangerous weapon while in the
29 person's own dwelling, place of business, or on the person's
30 land, and the transitory possession or use of a firearm during
31 an act of justified self-defense or justified defense of
32 another, if the possession of the firearm lasts no longer than
33 immediately necessary to resolve the emergency.

34 The bill strikes Code section 724.5 relating to a person's
35 duty to carry a valid permit to carry certain weapons for which

LSB 5628YH (7) 85

-4-

rh/rj

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2284

1 a permit has been issued to the person and replaces that Code
2 section to provide that the availability of a professional or
3 nonprofessional permit to carry weapons shall not be construed
4 to impose a general prohibition on the unlicensed carrying of a
5 deadly weapon including a loaded firearm.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2285 - Introduced

HOUSE FILE 2285
BY BERRY and ROGERS

A BILL FOR

1 An Act relating to a study and report concerning juvenile
2 detention.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5932YH (4) 85
ad/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2285

1 Section 1. JUVENILE DETENTION STUDY.

2 1. The public safety advisory board established within
3 the division of criminal and juvenile justice planning of the
4 department of human rights shall study the use of juvenile
5 detention in this state. The public safety advisory board
6 shall discuss and evaluate the approaches currently taken
7 across this state for making juvenile detention decisions;
8 the appropriateness of using juvenile detention screening
9 instruments; the use and effectiveness of juvenile detention
10 screening instruments used in this state, contemplated to
11 be used in this state, and used out of state; the juvenile
12 detention screening instrument's effect on overrepresentation
13 or disproportionate minority contact in juvenile detention;
14 the offenses for which juvenile detention is appropriate;
15 a juvenile detention screening instrument's effect on the
16 types of offenses for which juvenile detention is appropriate;
17 and other matters the public safety advisory board deems
18 appropriate.

19 2. The public safety advisory board shall develop
20 recommendations concerning juvenile detention admissions and
21 screening, juvenile detention screening instruments, and other
22 issues deemed appropriate by the board. The public safety
23 advisory board shall, by December 15, 2014, submit a report
24 of its findings and recommendations to the governor and the
25 general assembly.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill requires the public safety advisory board to
30 study and report on juvenile detention. The bill requires
31 the board to discuss and evaluate the current method for
32 determining whether to place juveniles in detention, and the
33 appropriateness of juvenile detention screening instruments
34 and their use in this state and out of state, as well as
35 the juvenile detention screening instrument's impact on

LSB 5932YH (4) 85

-1-

ad/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2285

1 disproportionate minority contact in juvenile detention. The
2 board also shall discuss offenses that should or should not
3 entail juvenile detention and a juvenile detention screening
4 instrument's impact on the types of offenses for which a person
5 is placed in juvenile detention.

6 The bill requires the board to develop recommendations and
7 present its findings and recommendations in a report to the
8 governor and the general assembly by December 15, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2286 - Introduced

HOUSE FILE 2286
BY HUNTER

A BILL FOR

1 An Act relating to the regulation of employment agencies and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5603YH (2) 85
je/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2286

1 Section 1. **NEW SECTION. 94A.3A Employee notice.**
2 1. An employment agency shall provide to each employee
3 referred for employment notice of the following:
4 *a.* The name, address, electronic mail address, and telephone
5 number of the following:
6 (1) The employment agency, or the contact information of the
7 employee of the employment agency facilitating the placement.
8 (2) The employment agency's workers' compensation carrier.
9 (3) The employer.
10 (4) The commissioner.
11 *b.* A description of the position and whether it will require
12 any special clothing, equipment, training, or licenses, and
13 any costs that will be charged to the employee for supplies or
14 training.
15 *c.* The designated payday, the hourly rate of pay, and
16 whether overtime may occur and be paid.
17 *d.* The daily starting time and anticipated end time and, if
18 known, the expected duration of employment.
19 *e.* Whether any meals will be provided by the employment
20 agency or employer and the charge for such meals, if any, to
21 the employee.
22 *f.* Details of the means of transportation to the work
23 site and any fees that will be charged to the employee by the
24 employment agency or employer for any transportation services.
25 2. An employment agency shall confirm the information in
26 the notice required by subsection 1 in writing and send a
27 copy thereof to the employee, by a method designated by the
28 employee, before the end of the employee's first pay period.
29 However, an employment agency shall send any change in the
30 initial terms of employment to the employee immediately.
31 3. The employment agency shall post in a conspicuous place
32 in each of the locations where it does business a notice
33 of the requirements of this section and the name, internet
34 site address, and telephone number of the commissioner. The
35 commissioner shall prepare and publish on the commissioner's

LSB 5603YH (2) 85

-1-

je/rj

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2286

1 internet site a sample notice for use by employers that meets
2 the requirements of this section and, upon request, shall
3 facilitate the translation of the notice into a language other
4 than English.

5 4. This section shall not be construed to prohibit an
6 employment agency from directing an employee to employment by
7 telephone. However, the employment agency shall provide the
8 information required by subsection 1 by telephone at the same
9 time.

10 5. This section does not apply to a professional employee,
11 as defined in 29 U.S.C. §152, or to an employee who is a
12 secretary or administrative assistant whose main or primary
13 duties are described by the United States department of labor,
14 bureau of labor statistics, as involving one or more of the
15 following:

16 a. Drafting or revising correspondence.

17 b. Scheduling appointments.

18 c. Creating, organizing, and maintaining paper and
19 electronic files.

20 d. Providing information to callers or visitors.

21 Sec. 2. NEW SECTION. **94A.3B Transportation services.**

22 If an employment agency or employer or a person acting
23 directly or indirectly in the interest of either offers
24 transportation services to or from a designated work site
25 to an employee and charges a fee for such services, the
26 employment agency or employer shall charge such employee not
27 more than the actual cost to transport such employee to or
28 from the designated work site. Such fee shall not exceed
29 three percent of such employee's total daily wages and shall
30 not reduce the employee's total daily wages below the minimum
31 wage earned for the day. If an employment agency or employer
32 or a person acting directly or indirectly in the interest of
33 either requires the use of such services by an employee, a
34 fee shall not be charged to the employee for such services.
35 If an employment agency or employer provides transportation

LSB 5603YH (2) 85

-2-

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2/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2286

1 services to a designated work site to an employee on a day when
2 employment is not available, the employment agency or employer
3 shall fully refund any fee charged to the employee for such
4 services.

5 Sec. 3. Section 94A.4, subsection 4, Code 2014, is amended
6 by adding the following new paragraphs:

7 NEW PARAGRAPH. *g.* Refer an employee for employment by force
8 or fraud, for illegal purposes, or where the employment is in
9 violation of state or federal law.

10 NEW PARAGRAPH. *h.* Refer an employee for employment at any
11 location that is on strike or lockout without first notifying
12 the employee of such fact.

13 Sec. 4. Section 94A.4, Code 2014, is amended by adding the
14 following new subsections:

15 NEW SUBSECTION. 5. An employment agency or employer shall
16 not charge or accept a fee from an employee for the following:

17 *a.* Any good or service unless under the terms of a written
18 contract with the employee, which clearly states in a language
19 the employee can understand that the purchase is voluntary
20 and which provides that the employment agency will not gain a
21 profit from any cost or fee charged to the employee.

22 *b.* The provision of a bank card, debit card, payroll card,
23 voucher, draft, money order, or similar form of payment or
24 wages that exceeds the actual cost per employee.

25 *c.* Any drug test.

26 *d.* Any criminal history background check.

27 *e.* Transportation, except as provided in section 94A.3B.

28 *f.* Any good or service the payment for which would cause the
29 employee to earn less than the applicable minimum wage.

30 NEW SUBSECTION. 6. An employment agency or employer or
31 a person acting directly or indirectly in the interest of
32 either shall not deduct any costs or fees from the wages of
33 an employee without the express written authorization of the
34 employee. An employment agency or employer shall furnish to
35 the employee a copy of the signed authorization in a language

LSB 5603YH (2) 85

-3-

je/rj

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2286

1 the employee can understand.

2 NEW SUBSECTION. 7. An employment agency or employer shall
3 not refuse to return on demand any personal property belonging
4 to an employee or any fee or cost that is charged to the
5 employee or accepted by the employment agency or employer in
6 excess of the amounts allowable under this chapter.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill makes various modifications to Code chapter
11 94A, which provides for regulation of employment agencies in
12 this state by the labor commissioner. "Employment agency"
13 is defined as a person who brings together those desiring to
14 employ and those desiring employment and who receives a fee,
15 privilege, or other consideration directly or indirectly from
16 an employee for the service.

17 The bill requires an employment agency to provide to each
18 employee referred for employment notice of certain information.
19 The notice must include contact information for the employment
20 agency, the agency's workers' compensation carrier, the
21 employer, and the commissioner. The notice must include a
22 description of the position. The notice must include the
23 designated payday, the hourly rate of pay, and whether overtime
24 may occur and be paid. The notice must include the daily
25 starting time and anticipated end time and, if known, the
26 expected duration of employment. The notice must include
27 information relating to meals and transportation. The required
28 information must be confirmed in writing and sent to the
29 employee before the end of the employee's first pay period by
30 an employment agency, but any change to the initial terms of
31 employment must be sent immediately.

32 The bill requires an employment agency to post in each of the
33 locations where it does business notice of the requirements of
34 this bill and contact information for the commissioner. The
35 bill requires the commissioner to prepare a sample notice for

LSB 5603YH (2) 85

-4-

je/rj

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2286

1 use by employers.

2 The notice requirements do not prohibit an employment agency
3 from directing an employee to employment by telephone, if the
4 employment agency also provides the required notification at
5 the same time. The notification requirements do not apply to
6 a professional employee as defined in federal law or to an
7 employee who is a secretary or administrative assistant who has
8 certain duties.

9 The bill places certain limitations on the fees an
10 employment agency or employer can charge an employee for
11 transportation services to or from a designated work site.

12 The bill prohibits an employment agency from referring
13 an employee for employment by force or fraud, for illegal
14 purposes, or where the employment is in violation of state or
15 federal law. The bill prohibits an employment agency from
16 referring an employee for employment at any location that is
17 on strike or lockout without first notifying the employee of
18 such fact.

19 The bill prohibits an employment agency or employer from
20 charging or accepting a fee from an employee for any good or
21 service unless under the terms of a written contract with the
22 employee; the provision of a bank card, debit card, or similar
23 form of payment or wages that exceeds the actual cost per
24 employee; any drug test; any criminal history background check;
25 transportation, except as provided in the bill; or any good or
26 service the payment for which would cause the employee to earn
27 less than the applicable minimum wage.

28 The bill prohibits an employment agency or employer from
29 deducting any costs or fees from the wages of an employee
30 without the express written authorization of the employee.

31 The bill prohibits an employment agency or employer from
32 refusing to return on demand any personal property belonging to
33 an employee or any fee or cost that is charged to the employee
34 or accepted by the employment agency or employer in excess of
35 the amounts allowable under Code chapter 94A.

LSB 5603YH (2) 85

-5-

je/rj

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2286

1 A violation of Code chapter 94A is a simple misdemeanor and
2 is also cause for a civil penalty in an amount up to \$2,000.
3 A simple misdemeanor is punishable by confinement for no more
4 than 30 days or a fine of at least \$65 but not more than \$625
5 or by both.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2287 - Introduced

HOUSE FILE 2287
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 540)

A BILL FOR

1 An Act relating to the administration of the redevelopment tax
2 credits program by the economic development authority and
3 including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5288HV (1) 85
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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 Section 1. Section 15.291, Code 2014, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 01. *"Abandoned public building"* means a
4 vertical improvement, as defined in section 15J.1, constructed
5 for use primarily by a political subdivision of the state for a
6 public purpose and whose current use is outdated or prevents
7 a better or more efficient use of the property by the current
8 owner. *"Abandoned public building"* includes vacant, blighted,
9 obsolete, or otherwise underutilized property.

10 NEW SUBSECTION. 4A. *"Political subdivision"* means a city,
11 county, township, or school district.

12 NEW SUBSECTION. 4B. *"Previously remediated or redeveloped"*
13 means any prior remediation or redevelopment, including
14 development for which an award of tax credits under this part
15 has been made.

16 NEW SUBSECTION. 6A. *"Redevelopment tax credits program"*
17 means the tax credits program administered pursuant to sections
18 15.293A and 15.293B.

19 Sec. 2. Section 15.291, subsection 3, unnumbered paragraph
20 1, Code 2014, is amended to read as follows:

21 *"Grayfield site"* means an abandoned public building or an
22 industrial or commercial property meeting that meets all of the
23 following requirements:

24 Sec. 3. Section 15.291, subsection 6, Code 2014, is amended
25 to read as follows:

26 6. *"Qualifying redevelopment project"* means a brownfield or
27 a grayfield site being redeveloped or improved by the property
28 owner. *"Qualifying redevelopment project"* does not include a
29 previously remediated or redeveloped brownfield or grayfield
30 site.

31 Sec. 4. Section 15.293A, subsection 1, paragraph c, Code
32 2014, is amended to read as follows:

33 c. (1) Any Except as provided in subparagraph (2), any
34 tax credit in excess of the taxpayer's liability for the tax
35 year is not refundable but may be credited to the tax liability

LSB 5288HV (1) 85

-1-

mm/sc

1/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 for the following five years or until depleted, whichever is
2 earlier.

3 (2) A tax credit in excess of the taxpayer's liability for
4 the tax year is refundable if all of the following conditions
5 are met:

6 (a) The taxpayer is an investor making application for tax
7 credits provided in this section and is an entity organized
8 under chapter 504 and qualifying under section 501(c)(3) of the
9 Internal Revenue Code as an organization exempt from federal
10 income tax under section 501(a) of the Internal Revenue Code.

11 (b) The taxpayer establishes during the application
12 process described in section 15.293B that the requirement in
13 subparagraph division (a) is satisfied. The authority, when
14 issuing a certificate to a taxpayer that meets the requirements
15 in this subparagraph (2), shall indicate on the certificate
16 that such requirements have been satisfied.

17 (3) A tax credit shall not be carried back to a tax year
18 prior to the tax year in which the taxpayer first receives the
19 tax credit.

20 Sec. 5. Section 15.293A, subsection 2, paragraph a, Code
21 2014, is amended by striking the paragraph.

22 Sec. 6. Section 15.293A, subsection 2, paragraph b,
23 subparagraph (1), Code 2014, is amended to read as follows:

24 (1) To claim a redevelopment tax credit under this
25 section, a taxpayer must ~~attach~~ include one or more tax credit
26 certificates ~~to with~~ with the taxpayer's tax return. A tax credit
27 certificate shall not be used or ~~attached to~~ included with a
28 return filed for a taxable year beginning prior to ~~July 1, 2009~~
29 the tax year listed on the certificate.

30 Sec. 7. Section 15.293A, subsection 3, unnumbered paragraph
31 1, Code 2014, is amended to read as follows:

32 The amount of the tax credit shall ~~equal one of~~ be determined
33 by the board in conjunction with the council. However, the tax
34 credit shall not exceed the following amount, as applicable:

35 Sec. 8. Section 15.293A, subsection 6, Code 2014, is amended

LSB 5288HV (1) 85

-2-

mm/sc

2/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 to read as follows:

2 6. ~~For the fiscal year beginning July 1, 2009, the maximum~~
3 ~~amount of tax credits issued by the authority shall not exceed~~
4 ~~one million dollars. For each subsequent fiscal year, the~~
5 The amount of tax credits that may be issued awarded by the
6 authority board shall be subject to the limitation in section
7 15.119.

8 Sec. 9. Section 15.293A, subsections 8, 9, 10, 11, 12, and
9 13, Code 2014, are amended by striking the subsections.

10 Sec. 10. Section 15.293B, Code 2014, is amended to read as
11 follows:

12 15.293B Approval — requirements — repayment Application —
13 registration — agreement.

14 1. a. The authority shall develop a system for the
15 application, review, registration, and authorization of
16 projects awarded tax credits pursuant to this part and
17 shall control the issuance of all tax credit certificates to
18 investors pursuant to this part.

19 b. The authority shall accept and, in conjunction with
20 the council, review applications for tax credits pursuant to
21 provided in section 15.293A and, with the approval of the
22 council, make tax credit award recommendations regarding the
23 applications to the board.

24 c. Applications for redevelopment tax credits shall be
25 accepted during an annual application period established by the
26 authority.

27 d. Upon review of an application, the authority may
28 register the project with the redevelopment tax credits
29 program. If the authority registers the project, the authority
30 may, in conjunction with the council, make a preliminary
31 determination as to the amount of tax credit for which an award
32 recommendation will be made to the board.

33 e. After registering the project, the authority shall notify
34 the investor of successful registration under the redevelopment
35 tax credits program. The notification may include the amount



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 of tax credit for which an award recommendation will be made
2 to the board. If an award recommendation is included in the
3 notification, such notification shall include a statement that
4 the award recommendation is a recommendation only. The amount
5 of tax credit included on a tax credit certificate issued
6 pursuant to this section shall be contingent upon an award
7 by the board and upon completion of the requirements in this
8 section.

9 f. All completed applications shall be reviewed and scored
10 on a competitive basis by the council and the board. In
11 reviewing and scoring applications, the council and the board
12 may consider any factors the council and board deem appropriate
13 for a competitive application process, including but not
14 limited to the financial need, quality, and feasibility of a
15 qualifying redevelopment project.

16 g. Upon reviewing and scoring all applications that are
17 part of an annual application period, the board may award tax
18 credits provided in section 15.293A.

19 h. If the applicant for a tax credit provided in section
20 15.293A has also applied to an agency of the federal government
21 or to the authority, the board, or any other agency of state
22 government for additional financial assistance, the authority,
23 the council, and the board shall consider the amount of funding
24 to be received from such public sources when making a tax
25 credit award pursuant to this section.

26 i. An applicant that is unsuccessful in receiving a tax
27 credit award during an annual application period may make
28 additional applications during subsequent annual application
29 periods. Such applicants shall be required to submit a new
30 application and shall be competitively reviewed and scored in
31 the same manner as other applicants in that annual application
32 period.

33 2. An investor applying for a tax credit shall provide the
34 authority with all of the following:

35 a. Information showing the total costs of the qualifying

LSB 5288HV (1) 85

-4-

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4/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 redevelopment project, including the costs of land acquisition,
2 cleanup, and redevelopment.

3 b. Information about the financing sources of the investment
4 which are directly related to the qualifying redevelopment
5 project for which the taxpayer investor is seeking approval for
6 a tax credit, as provided in section 15.293A.

7 c. Any other information deemed necessary by the board and
8 the council to review and score the application pursuant to
9 subsection 1.

10 3. If a taxpayer receives an investor is awarded a tax
11 credit pursuant to section 15.293A, but this section, the
12 authority and the investor shall enter into an agreement
13 concerning the qualifying redevelopment project. If the
14 investor fails to comply with any of the requirements of the
15 agreement, the taxpayer loses any right to the tax credit,
16 and the authority may find the investor in default under the
17 agreement and may revoke all or a portion of the tax credit
18 award. The department of revenue, upon notification by the
19 authority of an event of default, shall seek recovery repayment
20 of the value of the any such tax credit received already
21 claimed in the same manner as provided in section 15.330,
22 subsection 2.

23 4. This section is repealed on June 30, 2021. A registered
24 project shall be completed within thirty months of the date the
25 project was registered unless the authority provides additional
26 time to complete the project. A project shall not be provided
27 more than twelve months of additional time. If the registered
28 project is not completed within the time required, the project
29 is not eligible to claim a tax credit provided in section
30 15.293A.

31 5. a. Upon completion of a registered project, an audit
32 of the project, completed by an independent certified public
33 accountant licensed in this state, shall be submitted to the
34 authority.

35 b. Upon review of the audit and verification of the amount



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 of the qualifying investment, the authority may issue a tax
2 credit certificate to the investor stating the amount of tax
3 credit under section 15.293A the investor may claim.

4 6. The authority, in conjunction with the department of
5 revenue, shall adopt rules to administer the redevelopment tax
6 credits program.

7 Sec. 11. Section 15.294, subsection 4, Code 2014, is amended
8 to read as follows:

9 4. The council, in conjunction with the authority, shall
10 consider applications for redevelopment tax credits ~~as~~
11 ~~described provided in sections~~ section 15.293A and 15.293B,
12 and may recommend to the authority which applications to
13 approve and the amount of such tax credits that each project ~~is~~
14 ~~eligible to receive~~ should be awarded by the board.

15 Sec. 12. APPLICABILITY. This Act applies to qualifying
16 redevelopment projects for which a redevelopment tax credit
17 is awarded on or after the effective date of this Act, and
18 qualifying redevelopment projects for which a redevelopment
19 tax credit was awarded prior to the effective date of this Act
20 shall be governed by sections 15.291, 15.293A, and 15.293B,
21 Code 2014.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill makes several changes to the redevelopment tax
26 credits program administered by the economic development
27 authority (EDA).

28 The bill defines the "redevelopment tax credits program"
29 to be the tax credits program administered pursuant to Code
30 sections 15.293A and 15.293B.

31 The bill affects the qualification of redevelopment projects
32 under the redevelopment tax credits program (program) by
33 amending the definition of "grayfield site" to include an
34 abandoned public building, and by specifying that a previously
35 remediated or redeveloped brownfield site, which does not

LSB 5288HV (1) 85

-6-

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6/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 qualify for the program, means any prior remediation or
2 redevelopment, including redevelopment for which an award of
3 tax credits has been made under the program. "Abandoned public
4 building" and related terms are defined in the bill.

5 The bill amends the tax credit application and award
6 process. The bill provides that tax credit applications shall
7 be accepted by the EDA during an annual application period
8 established by the EDA. After an application is received, the
9 EDA may register the project under the program and may make a
10 preliminary determination as to the amount of tax credit for
11 which an award recommendation will be made to the economic
12 development authority board (board). The EDA then notifies
13 the investor of successful registration and, if applicable,
14 the amount of tax credit for which an award recommendation
15 will be made to the board. All applications that are part of
16 that annual application period are required to be reviewed and
17 scored on a competitive basis by the brownfield redevelopment
18 advisory council (council) and the board. In reviewing and
19 scoring applications, the council and the board are allowed to
20 consider any factors they deem appropriate for a competitive
21 application process, including but not limited to the financial
22 need, quality, and feasibility of a project.

23 The bill provides that if an applicant is unsuccessful in
24 receiving a tax credit award from the board during one annual
25 application period, the applicant may apply in a subsequent
26 annual application period provided the applicant submits a new
27 application and is competitively reviewed and scored in the
28 same manner as other applicants in that annual application
29 period.

30 The bill requires a tax credit application to include any
31 information deemed necessary by the board and the council to
32 appropriately review and score the application, in addition to
33 the information already required under Iowa law relating to the
34 project's total costs and financing sources. The bill strikes
35 language requiring the EDA to maintain a wait list for tax

LSB 5288HV (1) 85

-7-

mm/sc

7/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 credits.

2 The bill strikes the provision requiring that if a
3 redevelopment tax credit recipient has also applied to the
4 state for additional financial assistance, the state shall not
5 consider the receipt of the tax credit when considering the
6 application for additional financial assistance and instead
7 provides that if a redevelopment tax credit applicant also
8 applies to a federal or state agency for additional financial
9 assistance, the EDA and the board shall consider the amount
10 of funding from these public sources when making a tax credit
11 award.

12 The bill amends the amount of the tax credit. Under
13 current law, the amount of the tax credit is equal to a certain
14 percentage of the investor's qualifying investment depending
15 on whether the project is located on a grayfield site or a
16 brownfield site and whether or not the project meets green
17 development requirements. The bill provides that the amount
18 of the tax credit shall be an amount determined by the board
19 in conjunction with the council, but shall not exceed those
20 percentages already provided under current law. The bill
21 provides that the amount of tax credit included on a tax credit
22 certificate shall be contingent on an award by the board, and
23 on the completion of an audit of the project which audit is
24 already required under Iowa law.

25 The bill requires agreements under the program. An investor
26 awarded tax credits is required to enter into an agreement
27 with the EDA concerning the qualifying redevelopment project.
28 The bill amends language relating to a taxpayer's loss of
29 any right to a tax credit for failure to comply with any
30 requirements, to specify that if an investor fails to comply
31 with any requirements of the agreement, the authority may find
32 the investor in default and revoke all or a portion of the
33 tax credit award. If recovery of a claimed tax credit by the
34 department of revenue (DOR), as required under current law,
35 is necessary for failure to maintain the requirements of an

LSB 5288HV (1) 85

-8-

mm/sc

8/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 agreement, the bill provides that such recovery shall be in
2 the same manner as provided in Code section 15.330, subsection
3 2, which relates to the recovery of incentives under the high
4 quality jobs program.

5 The bill amends the process of claiming the tax credits
6 by allowing the currently nonrefundable tax credits to be
7 refundable, but only to nonprofit organizations under certain
8 conditions. In order for tax credits to qualify as refundable,
9 a nonprofit organization must be an investor applying for
10 the tax credits, must be organized under Code chapter 504,
11 must qualify as a tax-exempt organization under section
12 501(c)(3) of the Internal Revenue Code, and must establish
13 these requirements during the tax credit application process.
14 The EDA will be required to indicate on the tax credit
15 certificate issued to these nonprofit organizations that such
16 requirements have been met. The bill requires that a taxpayer
17 include, rather than attach, a tax credit certificate with the
18 taxpayer's tax return. The bill amends the requirement that
19 tax credits shall not be claimed for taxable years beginning
20 prior to July 1, 2009, to require that tax credits shall not
21 be claimed prior to the tax year listed on the tax credit
22 certificate.

23 The bill strikes Code section 15.293A, subsections 10 and
24 11, relating to the adoption of administrative rules by the
25 EDA and the DOR, and the EDA's cooperation with the department
26 of natural resources and local governments regarding the
27 dissemination of information about the program. The bill
28 requires the authority, in conjunction with the department
29 of revenue, to adopt rules to administer the program. The
30 bill transfers to Code section 15.293B the language from
31 Code section 15.293A, subsection 8, relating to the deadline
32 for completing registered projects, and amends part of that
33 language referencing the project's approval date to instead
34 reference the date upon which the project was registered.

35 The bill amends the duties and powers of the council to



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2287

1 provide that it may recommend to the EDA the amount of tax
2 credits that a redevelopment project should be awarded, instead
3 of the amount of tax credits that a redevelopment project is
4 eligible to receive.

5 Finally, the bill removes the automatic repeal date of the
6 program, which under current law is set to expire on June 30,
7 2021.

8 The bill applies to qualifying redevelopment projects for
9 which a redevelopment tax credit is awarded on or after the
10 effective date of the bill. The bill provides that qualifying
11 redevelopment projects for which a redevelopment tax credit
12 was awarded prior to the effective date of the bill shall be
13 governed by current law.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2288 - Introduced

HOUSE FILE 2288
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 578)

A BILL FOR

1 An Act relating to reporting and other requirements concerning
2 the department of administrative services and other state
3 agencies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5239HV (2) 85
ec/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 Section 1. Section 7A.3, subsection 2, Code 2014, is amended
2 by striking the subsection.

3 Sec. 2. Section 8A.110, subsection 5, Code 2014, is amended
4 by striking the subsection.

5 Sec. 3. Section 8A.111, subsection 2, Code 2014, is amended
6 to read as follows:

7 ~~2. Internal service fund service business plans and~~
8 ~~financial reports as required under section 8A.123, subsection~~
9 ~~5, paragraph "a", and an~~ An annual internal service fund
10 expenditure report as required under section 8A.123, subsection
11 5, paragraph "b".

12 Sec. 4. Section 8A.111, subsections 5 and 11, Code 2014, are
13 amended by striking the subsections.

14 Sec. 5. Section 8A.123, subsection 5, paragraph a, Code
15 2014, is amended by striking the paragraph.

16 Sec. 6. Section 8A.315, subsection 2, Code 2014, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *e.* Notwithstanding the requirements of this
19 subsection regarding the purchase of recycled printing and
20 writing paper, the department may purchase printing and writing
21 paper in lieu of recycled paper if the department determines
22 that the purchase will result in significant savings to the
23 state.

24 Sec. 7. Section 8A.321, subsection 6, paragraph c,
25 subparagraph (1), Code 2014, is amended to read as follows:

26 ~~(1) The department shall annually issue a request for~~
27 ~~proposals for leasing privately owned office space for state~~
28 ~~employees in the downtown area of the city of Des Moines.~~
29 Prior to replacing or renovating publicly owned buildings or
30 relocating any state agencies at the seat of government to
31 any space in publicly owned buildings, the department shall
32 issue a request for proposals for leasing privately owned
33 office space for state employees in the downtown area of the
34 city of Des Moines and shall use such proposals to compare the
35 costs of privately owned space to publicly owned space. The

LSB 5239HV (2) 85

-1-

ec/sc

1/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 department shall locate state employees in office space in
2 the most cost-efficient manner possible. In determining cost
3 efficiency, the department shall consider all costs of the
4 publicly owned space, the costs of the original acquisition
5 of the publicly owned space, the costs of tenant improvements
6 to the publicly owned space, and the anticipated economic and
7 useful life of the publicly owned building space.

8 Sec. 8. Section 8A.362, subsection 4, paragraph c, Code
9 2014, is amended by striking the paragraph.

10 Sec. 9. Section 8A.378, unnumbered paragraph 3, Code 2014,
11 is amended to read as follows:

12 The department shall negotiate implementation of the plan
13 with the city of Des Moines with the goal of entering into
14 a memorandum of understanding in relation to the plan. ~~The~~
15 ~~department shall provide the governor and the capitol planning~~
16 ~~commission with quarterly reports regarding progress made~~
17 ~~on the capitol view preservation plan and execution of the~~
18 ~~memorandum of understanding.~~

19 Sec. 10. Section 8A.504, subsection 1, paragraphs a, b, and
20 d, Code 2014, are amended to read as follows:

21 a. "Collection entity" means the department of
22 administrative services and any other state public agency that
23 maintains a separate accounting system and elects to establish
24 a debt collection setoff procedure for collection of debts owed
25 to the ~~state or its agencies~~ public agency.

26 b. "Person" does not include a state public agency.

27 d. "State Public agency" means a board, commission,
28 department, including the department of administrative
29 services, or other administrative office or unit of the
30 state of Iowa or any other state entity reported in the
31 Iowa comprehensive annual financial report, or a political
32 subdivision of the state, or an office or unit of a political
33 subdivision. "State Public agency" does include the clerk
34 of the district court as it relates to the collection of a
35 qualifying debt. "State Public agency" does not include the

LSB 5239HV (2) 85

-2-

ec/sc

2/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 general assembly or the governor.

2 Sec. 11. Section 8A.504, subsections 2, 3, and 5, Code 2014,
3 are amended to read as follows:

4 2. *Setoff procedure.* The collection entity shall establish
5 and maintain a procedure to set off against any claim owed to a
6 person by a state public agency any liability of that person
7 owed to a state public agency, a support debt being enforced
8 by the child support recovery unit pursuant to chapter 252B,
9 or such other qualifying debt. The procedure shall only apply
10 when at the discretion of the director it is feasible. The
11 procedure shall meet the following conditions:

12 a. Before setoff, a person's liability to a state public
13 agency and the person's claim on a state public agency shall be
14 in the form of a liquidated sum due, owing, and payable.

15 b. Before setoff, the state public agency shall obtain
16 and forward to the collection entity the full name and social
17 security number of the person liable to it or to whom a claim is
18 owing who is a natural person. If the person is not a natural
19 person, before setoff, the state public agency shall forward to
20 the collection entity the information concerning the person as
21 the collection entity shall, by rule, require. The collection
22 entity shall cooperate with other state public agencies in
23 the exchange of information relevant to the identification
24 of persons liable to or claimants of state public agencies.
25 However, the collection entity shall provide only relevant
26 information required by a state public agency. The information
27 shall be held in confidence and used for the purpose of setoff
28 only. Section 422.72, subsection 1, does not apply to this
29 paragraph.

30 c. Before setoff, a state public agency shall, at least
31 annually, submit to the collection entity the information
32 required by paragraph "b" along with the amount of each person's
33 liability to and the amount of each claim on the state public
34 agency. The collection entity may, by rule, require more
35 frequent submissions.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 *d.* Before setoff, the amount of a person's claim on a ~~state~~
2 public agency and the amount of a person's liability to a ~~state~~
3 public agency shall constitute a minimum amount set by rule of
4 the collection entity.

5 *e.* Upon submission of an allegation of liability by a ~~state~~
6 public agency, the collection entity shall notify the ~~state~~
7 public agency whether the person allegedly liable is entitled
8 to payment from a ~~state~~ public agency, and, if so entitled,
9 shall notify the ~~state~~ public agency of the amount of the
10 person's entitlement and of the person's last address known to
11 the collection entity. Section 422.72, subsection 1, does not
12 apply to this paragraph.

13 *f.* (1) Upon notice of entitlement to a payment, the
14 ~~state~~ public agency shall send written notification to that
15 person of the ~~state~~ public agency's assertion of its rights
16 to all or a portion of the payment and of the ~~state~~ public
17 agency's entitlement to recover the liability through the
18 setoff procedure, the basis of the assertion, the opportunity
19 to request that a jointly or commonly owned right to payment
20 be divided among owners, and the person's opportunity to
21 give written notice of intent to contest the amount of the
22 allegation. ~~The state agency shall send a copy of the notice~~
23 ~~to the collection entity.~~ A public agency shall provide the
24 person with an opportunity to contest the liability. A ~~state~~
25 public agency subject to chapter 17A shall give notice, conduct
26 hearings, and allow appeals in conformity with chapter 17A.

27 (2) However, upon submission of an allegation of the
28 liability of a person which is owing and payable to the
29 clerk of the district court and upon the determination by the
30 collection entity that the person allegedly liable is entitled
31 to payment from a ~~state~~ public agency, the collection entity
32 shall send written notification to the person which states the
33 assertion by the clerk of the district court of rights to all
34 or a portion of the payment, the clerk's entitlement to recover
35 the liability through the setoff procedure, the basis of the

LSB 5239HV (2) 85

-4-

ec/sc

4/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 assertions, the person's opportunity to request within fifteen
2 days of the mailing of the notice that the collection entity
3 divide a jointly or commonly owned right to payment between
4 owners, the opportunity to contest the liability to the clerk
5 by written application to the clerk within fifteen days of the
6 mailing of the notice, and the person's opportunity to contest
7 the collection entity's setoff procedure.

8 *g.* Upon the timely request of a person liable to a ~~state~~
9 public agency or of the spouse of that person and upon receipt
10 of the full name and social security number of the person's
11 spouse, a ~~state~~ public agency shall notify the collection
12 entity of the request to divide a jointly or commonly owned
13 right to payment. Any jointly or commonly owned right to
14 payment is rebuttably presumed to be owned in equal portions
15 by its joint or common owners.

16 *h.* The collection entity shall, after the ~~state~~ public
17 agency has sent notice to the person liable or, if the
18 liability is owing and payable to the clerk of the district
19 court, the collection entity has sent notice to the person
20 liable, set off the amount owed to the agency against any
21 amount which a ~~state~~ public agency owes that person. The
22 collection entity shall refund any balance of the amount to
23 the person. The collection entity shall periodically transfer
24 amounts set off to the ~~state~~ public agencies entitled to them.
25 If a person liable to a ~~state~~ public agency gives written
26 notice of intent to contest an allegation, a ~~state~~ public
27 agency shall hold a refund or rebate until final disposition
28 of the allegation. Upon completion of the setoff, a ~~state~~
29 public agency shall notify in writing the person who was liable
30 or, if the liability is owing and payable to the clerk of the
31 district court, shall comply with the procedures as provided
32 in paragraph "j".

33 *i.* The department of revenue's existing right to credit
34 against tax due or to become due under section 422.73 is not to
35 be impaired by a right granted to or a duty imposed upon the

LSB 5239HV (2) 85

-5-

ec/sc

5/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 collection entity or other ~~state~~ public agency by this section.
2 This section is not intended to impose upon the collection
3 entity or the department of revenue any additional requirement
4 of notice, hearing, or appeal concerning the right to credit
5 against tax due under section 422.73.

6 *j.* If the alleged liability is owing and payable to the
7 clerk of the district court and setoff as provided in this
8 section is sought, all of the following shall apply:

9 (1) The judicial branch shall prescribe procedures to
10 permit a person to contest the amount of the person's liability
11 to the clerk of the district court.

12 (2) The collection entity shall, except for the procedures
13 described in subparagraph (1), prescribe any other applicable
14 procedures concerning setoff as provided in this subsection.

15 (3) Upon completion of the setoff, the collection entity
16 shall file, at least monthly, with the clerk of the district
17 court a notice of satisfaction of each obligation to the
18 full extent of all moneys collected in satisfaction of the
19 obligation. The clerk shall record the notice and enter a
20 satisfaction for the amounts collected and a separate written
21 notice is not required.

22 *k.* If the alleged liability is owing and payable to a
23 community college and setoff pursuant to this section is
24 sought, both of the following shall apply:

25 (1) In addition to satisfying other applicable setoff
26 procedures established under this subsection, the community
27 college shall prescribe procedures to permit a person to
28 contest the amount of the person's liability to the community
29 college. Such procedures shall be consistent with and ensure
30 the protection of the person's right of due process under Iowa
31 law.

32 (2) The collection entity shall, except for the procedures
33 prescribed pursuant to subparagraph (1), prescribe any other
34 applicable procedures concerning setoff as provided in this
35 subsection.

LSB 5239HV (2) 85
ec/sc

-6-

6/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 3. In the case of multiple claims to payments filed under
2 this section, priority shall be given to claims filed by the
3 child support recovery unit or the foster care recovery unit,
4 next priority shall be given to claims filed by the clerk of
5 the district court, next priority shall be given to claims
6 filed by the college student aid commission, next priority
7 shall be given to claims filed by the investigations division
8 of the department of inspections and appeals, and last priority
9 shall be given to claims filed by other state public agencies.
10 In the case of multiple claims in which the priority is not
11 otherwise provided by this subsection, priority shall be
12 determined in accordance with rules to be established by the
13 director.

14 5. Under substantive rules established by the director, the
15 department shall seek reimbursement from other state public
16 agencies to recover its costs for setting off liabilities.

17 Sec. 12. Section 8B.9, subsection 2, Code 2014, is amended
18 to read as follows:

19 2. ~~Internal service fund service business plans and~~
20 ~~financial reports as required under section 8B.13, subsection~~
21 ~~5, paragraph "a", and an~~ An annual internal service fund
22 expenditure report as required under section 8B.13, subsection
23 5, paragraph "b".

24 Sec. 13. Section 8B.13, subsection 5, paragraph a, Code
25 2014, is amended by striking the paragraph.

26 Sec. 14. Section 70A.25, subsection 3, Code 2014, is amended
27 by striking the subsection.

28 Sec. 15. Section 99D.2, subsection 3, Code 2014, is amended
29 to read as follows:

30 3. "*Claimant agency*" means a state public agency as
31 defined in section 8A.504, subsection 1, or the state court
32 administrator as defined in section 602.1101.

33 Sec. 16. Section 99F.1, subsection 4, Code 2014, is amended
34 to read as follows:

35 4. "*Claimant agency*" means a state public agency as

LSB 5239HV (2) 85

-7-

ec/sc

7/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 defined in section 8A.504, subsection 1, or the state court
2 administrator as defined in section 602.1101.

3 Sec. 17. 2003 Iowa Acts, chapter 179, section 21, unnumbered
4 paragraph 4, as amended and redesignated as subsection 6, by
5 2005 Iowa Acts, chapter 161, section 1, is amended to read as
6 follows:

7 ~~6. The department or agency receiving funds under this~~
8 ~~section shall report monthly to the fiscal committee of the~~
9 ~~legislative council on the use of the funds.~~

10 Sec. 18. REPEAL. Section 8D.10, Code 2014, is repealed.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill concerns various reporting and other time-specific
15 or purchasing requirements applicable to the department of
16 administrative services (DAS) and other state agencies.

17 Code section 7A.3, providing for biennial reports for
18 various state officials and departments, is amended by striking
19 the requirement that the officials and departments covered by
20 this Code section also file a summary report in the year the
21 biennial report is not required.

22 Code section 8A.110, concerning the state employee
23 suggestion system, is amended by striking the requirement that
24 each state agency keep a record of suggestions implemented for
25 up to one year and the requirement that the DAS director file
26 a report with the governor and the general assembly on the
27 program each fiscal year.

28 Code section 8A.123, concerning department internal service
29 funds, is amended by striking the requirement that the DAS
30 director annually provide internal service fund service
31 business plans and financial reports to the department of
32 management and the general assembly. Code section 8A.111,
33 concerning DAS reporting requirements, is also amended to
34 conform to this change.

35 Code section 8A.315, concerning the purchase of recycled

LSB 5239HV (2) 85

-8-

ec/sc

8/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 products, is amended to allow the department of administrative
2 services to purchase nonrecycled printing and writing paper if
3 the purchase will result in significant savings to the state.

4 Code section 8A.321, concerning physical resources and
5 facility management, is amended to remove the requirement
6 that DAS annually issue a request for proposals for leasing
7 privately owned office space for state employees in the
8 downtown area of the city of Des Moines. Instead, the bill
9 provides that DAS will issue the request for proposals when
10 considering replacing or renovating publicly owned buildings or
11 relocating any state agencies at the seat of government to any
12 space in publicly owned buildings.

13 Code section 8A.362, concerning fleet management, is amended
14 to eliminate the requirement that the DAS director submit an
15 annual corporate average fuel economy standards compliance
16 report to the economic development authority. Code section
17 8A.111, concerning DAS reporting requirements, is also amended
18 to conform to this change.

19 Code section 8A.378, concerning state capitol view
20 preservation, is amended to delete the requirement that
21 DAS provide quarterly reports relative to the capitol view
22 preservation plan to the governor and the capitol planning
23 commission.

24 Code section 8A.504, concerning setoff procedures, is
25 amended to eliminate the requirement that the state agency
26 asserting a setoff payment against a person send a copy of the
27 notice sent to that person to DAS or other state agency that
28 has established a debt collection setoff procedure. The Code
29 section is also amended to provide that all public agencies
30 eligible to use the setoff procedures shall provide the debtor
31 with an opportunity to contest the liability. Finally, the
32 bill redesignates the term as "public agency" rather than the
33 current "state agency" in Code section 8A.504 while keeping the
34 definition the same and makes changes to other Code provisions
35 reflecting the redesignated term.

LSB 5239HV (2) 85

-9-

ec/sc

9/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2288

1 Code section 8B.13, concerning internal service funds, is
2 amended by striking the requirement that the chief information
3 officer annually provide internal service fund service business
4 plans and financial reports to the department of management and
5 the general assembly. Code section 8B.9, concerning reporting
6 requirements, is also amended to conform to this change.

7 Code section 70A.25, concerning educational leave, is
8 amended to eliminate the reporting and review requirements
9 relative to the program contained within that Code section.

10 2003 Iowa Acts, chapter 179, section 21, as amended in 2004
11 and 2005, concerning an appropriation related to military pay
12 differential, is amended to eliminate the requirement that each
13 department or agency receiving funds from this appropriation
14 report monthly to the fiscal committee of the legislative
15 council on the use of the funds.

16 Code section 8D.10, concerning report of savings by state
17 agencies concerning their use of the Iowa communications
18 network, is repealed.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2289 - Introduced

HOUSE FILE 2289
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 427)

A BILL FOR

1 An Act relating to the use of unmanned aerial vehicles, and
2 providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2438HV (3) 85
jm/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2289

1 Section 1. Section 708.11, subsection 1, paragraph b, Code
2 2014, is amended to read as follows:

3 *b. "Course of conduct"* means repeatedly maintaining a visual
4 or physical proximity to a person without legitimate purpose or
5 repeatedly conveying oral or written threats, threats implied
6 by conduct, or a combination thereof, directed at or toward a
7 person. "Course of conduct" includes the use of an unmanned
8 aerial vehicle, as defined in section 708C.1, to maintain
9 visual or physical proximity to a person as provided in this
10 paragraph.

11 Sec. 2. Section 708A.1, subsection 1, Code 2014, is amended
12 to read as follows:

13 1. *"Material support or resources"* means knowingly assisting
14 or providing money, financial securities, financial services,
15 lodging, training, safe houses, false documentation or
16 identification, communication equipment, facilities, weapons,
17 lethal substances, explosives, personnel, transportation,
18 unmanned aerial vehicles, and other physical assets, except
19 medicine or religious materials, for the purpose of assisting a
20 person in the commission of an act of terrorism.

21 Sec. 3. NEW SECTION. 708C.1 Use of unmanned aerial vehicle
22 — exceptions — penalty.

23 1. As used in this section, unless the context otherwise
24 requires:

25 *a. "Agency"* means a state agency or political subdivision of
26 this state or any person acting on behalf of a state agency or
27 political subdivision.

28 *b. "Dangerous weapon"* includes an instrument or device
29 designed for causing damage to property.

30 *c. "Image"* means any capturing of sound waves, thermal,
31 infrared, ultraviolet, visible light, or other electromagnetic
32 wave, odor, or other conditions existing on or about real
33 property in this state or a person located on that property.

34 *d. "Unmanned aerial vehicle"* means an aircraft that is
35 operated without the possibility of direct human intervention

LSB 2438HV (3) 85

-1-

jm/nh

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2289

1 from within or on the aircraft.

2 2. *Agencies.*

3 a. Except as provided in this paragraph, an agency shall
4 not use an unmanned aerial vehicle to capture an image or to
5 receive or disclose an image acquired through the use of an
6 unmanned aerial vehicle.

7 (1) An agency may use an unmanned aerial vehicle to capture
8 an image or to receive or disclose an image acquired through
9 the use of an unmanned aerial vehicle in connection with a
10 search warrant that has been issued under the conditions of
11 section 808.2 authorizing the use on private property.

12 (2) An agency may use an unmanned aerial vehicle without
13 preserving any images under the following circumstances:

14 (a) When searching for a suspect who committed a crime.

15 (b) When supporting the tactical operation of another
16 agency.

17 (c) For crowd monitoring at events.

18 (3) (a) An agency may use an unmanned aerial vehicle
19 if an emergency exists based on a reasonable belief that an
20 imminent threat exists to the life or safety of a person and
21 within forty-eight hours of the emergency use a supervisory
22 official of the agency files a sworn statement with the court
23 detailing the grounds for using the unmanned aerial vehicle in
24 the emergency.

25 (b) If the supervisory official fails to file the sworn
26 statement as required by this subparagraph, the supervisory
27 official shall be removed from any future involvement with the
28 agency's use of an unmanned aerial vehicle, and the agency
29 shall be required to obtain approval from the applicable
30 supervisory body under paragraph "c" prior to any future use of
31 an unmanned aerial vehicle by the agency.

32 (4) An agency may use an unmanned aerial vehicle on public
33 property.

34 b. An agency shall not archive data captured or received
35 through the use of an unmanned aerial vehicle unless the data

LSB 2438HV (3) 85

-2-

jm/nh

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2289

1 was captured or received during an operation in conjunction
2 with a search warrant or during the existence of an emergency
3 under paragraph "a", subparagraph (3), but only for forty-eight
4 hours except upon entry of a court order requiring the
5 archiving of the data for more than forty-eight hours.

6 *c.* The acquisition of an unmanned aerial vehicle by a
7 state agency shall be approved by the general assembly prior
8 to such an acquisition. The acquisition of an unmanned aerial
9 vehicle at the county, city, or local government level shall be
10 approved by the county board of supervisors, city council, or
11 other supervisory legislative body that oversees the political
12 subdivision.

13 *d.* An agency shall adopt best practices to ensure that
14 unauthorized access to an unmanned aerial vehicle or images
15 captured or received by the unmanned aerial vehicle does not
16 occur.

17 3. *Persons.*

18 *a.* A person shall not use an unmanned aerial vehicle to
19 capture an image of an individual or private property with
20 the intent to conduct surveillance, or to stalk, follow, or
21 intimidate another person.

22 *b.* A person may use an unmanned aerial vehicle to capture or
23 receive an image of an individual if the person has received
24 permission from the individual to capture or receive such an
25 image.

26 4. A person shall not use an unmanned aerial vehicle
27 equipped with any of the following unless the unmanned vehicle
28 is used over the real property owned by the person or the
29 person has permission from the owner or a tenant of the real
30 property to use the unmanned vehicle over the real property:

31 *a.* Emitting a peculiar sound or excessive noise.

32 *b.* Spraying a liquid or gas.

33 *c.* Dropping an object.

34 5. An unmanned aerial vehicle shall not be equipped with a
35 dangerous weapon.

LSB 2438HV (3) 85

-3-

jm/nh

3/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2289

1 6. This section does not apply to an operation, exercise,
2 or mission of any branch of the United States military, or the
3 Iowa national guard.

4 7. *a.* A person who violates the section commits an
5 aggravated misdemeanor.

6 *b.* A person who violates this section and causes serious
7 injury to another commits a class "D" felony.

8 *c.* A person who violates this section and causes death to
9 another commits a class "C" felony.

10 8. *a.* On June 30, 2015, and every June 30 thereafter,
11 each agency using an unmanned aerial vehicle shall provide the
12 department of public safety with the following information:

13 (1) The number of instances an unmanned aerial vehicle was
14 used by the agency and the purpose of each use.

15 (2) The number of crime investigations aided by the use of
16 an unmanned aerial vehicle and a description of how the use of
17 an unmanned aerial vehicle aided each investigation.

18 (3) The number of instances an unmanned aerial vehicle was
19 used for purposes other than in a criminal investigation and a
20 description of how the use of the unmanned aerial vehicle aided
21 in that purpose.

22 (4) The annual cost of the unmanned aerial vehicle program
23 of the agency.

24 *b.* The department of public safety shall compile the
25 information provided by the agencies under this subsection and
26 present a report detailing the use of unmanned aerial vehicles
27 to the standing committees on government oversight by January
28 15, 2016, and every January 15 thereafter.

29 Sec. 4. Section 717A.1, Code 2014, is amended by adding the
30 following new subsections:

31 NEW SUBSECTION. 6A. "Control" includes the actions of a
32 person using an unmanned aerial vehicle.

33 NEW SUBSECTION. 10A. "Enter" includes the actions of a
34 person using an unmanned aerial vehicle.

35 NEW SUBSECTION. 14. "Unmanned aerial vehicle" means the

LSB 2438HV (3) 85

-4-

jm/nh

4/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2289

1 same as defined in section 708C.1.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to the use of unmanned aerial vehicles by
6 governmental agencies and other persons.

7 The bill defines "unmanned aerial vehicle" to mean an
8 aircraft that is operated without the possibility of direct
9 human intervention from within or on the aircraft.

10 The bill defines "image" to mean any capturing of sound
11 waves, thermal, infrared, ultraviolet, visible light, or other
12 electromagnetic wave, odor, or other conditions existing on or
13 about real property in this state or a person located on that
14 property.

15 The bill prohibits a governmental agency from using an
16 unmanned aerial vehicle to capture an image or to receive or
17 disclose an image acquired through the use of an unmanned
18 aerial vehicle unless used under the following circumstances:
19 the use is in connection with a search warrant, the use is
20 related to the search for a criminal suspect, to provide
21 support to another tactical operation, or for crowd monitoring,
22 the use is based upon a reasonable belief that an emergency
23 exists that threatens the life or safety of a person, or the
24 use is on public property.

25 If a governmental agency uses an unmanned aerial vehicle
26 in an emergency, the bill requires the supervisory official
27 of such an agency to file a sworn statement with the court
28 detailing the grounds for using the unmanned aerial vehicle in
29 the emergency within 48 hours of its use. The bill specifies
30 that if the supervisory official fails to file the sworn
31 statement, the supervisory official is barred from future
32 involvement with the agency's use of unmanned aerial vehicles,
33 and the agency must seek approval from the applicable governing
34 body for any future use of an unmanned aerial vehicle.

35 The bill prohibits a governmental agency from archiving data

LSB 2438HV (3) 85

-5-

jm/nh

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2289

1 captured or received through the use of an unmanned aerial
2 vehicle unless the data is captured or received in connection
3 with a search warrant, or during an emergency, but only for
4 48 hours except upon entry of a court order requiring the
5 archiving of the data for more than 48 hours.

6 The bill requires that an unmanned aerial vehicle purchased
7 by a state agency be approved by the general assembly prior to
8 such an acquisition. The acquisition of an unmanned aerial
9 vehicle at the county, city, or local government level shall
10 be approved by the board of supervisors, city council, or
11 other supervisory legislative body that oversees the political
12 subdivision.

13 The bill prohibits a person from using an unmanned aerial
14 vehicle to capture an image of an individual or private
15 property with the intent to conduct surveillance, or to stalk,
16 follow, or intimidate another person. The bill allows a person
17 using an unmanned aerial vehicle to capture an image of an
18 individual if the person has received permission from the
19 individual to capture or receive such an image.

20 The bill prohibits a person from using an unmanned aerial
21 vehicle equipped with an instrument that is capable of emitting
22 a peculiar sound or excessive noise, spraying a liquid or gas,
23 or dropping an object. The bill allows an unmanned aerial
24 vehicle to be equipped with such instruments if the person uses
25 the unmanned aerial vehicle over the real property owned by the
26 person or the person has permission from the owner or tenant of
27 the real property to use an unmanned aerial vehicle equipped
28 with such instruments.

29 The bill prohibits an unmanned aerial vehicle from being
30 equipped with a dangerous weapon. The bill defines "dangerous
31 weapon" to mean the same as defined in Code section 702.7
32 but also includes an instrument or device designed to damage
33 property.

34 The bill does not apply to an operation, exercise, or mission
35 of any branch of the United States military, or the Iowa

LSB 2438HV (3) 85

-6-

jm/nh

6/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2289

1 national guard.

2 The bill requires a governmental agency using an unmanned
3 aerial vehicle to provide information related to the use of
4 the unmanned aerial vehicle to the department of public safety
5 by June 30, 2015, and every June 30 thereafter. The bill
6 also requires the department of public safety to compile such
7 information and file a report to the standing committees on
8 government oversight by January 15, 2016, and every January 15
9 thereafter.

10 A person who violates the bill commits an aggravated
11 misdemeanor. If the violation causes serious injury the person
12 commits a class "D" felony, and if the violation causes death
13 the person commits a class "C" felony.

14 An aggravated misdemeanor is punishable by confinement for
15 no more than two years and a fine of at least \$625 but not more
16 than \$6,250. A class "D" felony is punishable by confinement
17 for no more than five years and a fine of at least \$750 but
18 not more than \$7,500. A class "C" felony is punishable by
19 confinement for no more than 10 years and a fine of at least
20 \$1,000 but not more than \$10,000.

21 In addition, the bill specifies that a "course of conduct"
22 without a legitimate purpose includes the use of an unmanned
23 aerial vehicle for purposes of proving the criminal offense of
24 stalking.

25 The bill also specifies that a person who knowingly assists
26 in providing an unmanned aerial vehicle to a person who commits
27 or attempts to commit terrorism is guilty of soliciting or
28 providing material support or resources for terrorism in
29 violation of Code section 708A.4.

30 The bill further provides for purposes of violations
31 under Code chapter 717A (offenses relating to agricultural
32 production), a person "controls" or "enters" an animal facility
33 or a crop operation property if the actions of the person
34 include the use of an unmanned aerial vehicle.

LSB 2438HV (3) 85

-7-

jm/nh

7/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2290 - Introduced

HOUSE FILE 2290
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 579)

A BILL FOR

1 An Act concerning allowable uses for purse moneys designated
2 for standardbred horse racing.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5479HV (3) 85
ec/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2290

1 Section 1. Section 99D.7, subsection 5, paragraph b, Code
2 2014, is amended to read as follows:
3 b. The commission shall, beginning January 1, 2012, regulate
4 the purse structure for all horse racing so that seventy-six
5 percent is designated for thoroughbred racing, fifteen and
6 one-quarter percent is designated for quarter horse racing, and
7 eight and ~~three-quarter~~ three-quarters percent is designated
8 for standardbred racing. The purse moneys designated for
9 standardbred racing may only be used to support standardbred
10 harness racing purses, breeder's awards, or expenses at
11 the state fair, county fairs, or other harness racing
12 tracks approved by the commission, or for the maintenance,
13 construction, or repair of harness racing tracks located in
14 Iowa and at the fairgrounds for such fairs or other harness
15 racing tracks located in Iowa and approved by the commission.
16 The horse racetrack in Polk county shall not provide funding to
17 support standardbred racing at such county fairs that is not
18 otherwise provided for in this paragraph.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 Code section 99D.7(5), concerning purse moneys for horse
23 racing, is amended to allow purse moneys designated for
24 standardbred racing to also be used for breeder's awards,
25 standardbred harness racing expenses, and the construction of
26 harness racing tracks located in Iowa.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2291 - Introduced

HOUSE FILE 2291

BY KRESSIG, LENSING, BACON,
MUHLBAUER, ISENHART,
JACOBY, R. OLSON,
ABDUL-SAMAD, HANSON,
MURPHY, GASKILL, FISHER,
OURTH, STECKMAN, H. MILLER,
WOOD, KAJTAZOVIC, OLDSON,
FORBES, KELLEY, RUFF,
LYKAM, BERRY, GAINES, and
STAED

A BILL FOR

1 An Act making an appropriation to provide assistance to
2 parents, guardians, and custodians with costs resulting from
3 the death of a child.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5752YH (6) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2291

1 Section 1. CHILD FUNERAL ASSISTANCE. There is appropriated
2 from the general fund of the state to the department of public
3 health for the fiscal year beginning July 1, 2014, and ending
4 June 30, 2015, the following amount, or so much thereof as is
5 necessary, to be used for the purposes designated:

6 For a grant to assist parents in this state with costs
7 resulting from the death of a child in accordance with this
8 section:

9 \$ 100,000

10 1. The department shall award the amount appropriated in
11 this section in the form of a grant to a nonprofit organization
12 located in a city in this state with a population of more
13 than 2,283 but less than 2,320. The organization shall be
14 approved to operate under section 501(c)(3) of the federal
15 Internal Revenue Code and have been providing assistance since
16 at least July 2011, to parents, guardians, and custodians with
17 funeral-related expenses resulting from the unintended death
18 of a child.

19 2. The grantee shall utilize the grant to assist parents who
20 reside in this state with costs incurred for a funeral, burial
21 or cremation, cemetery costs, or grave marker costs associated
22 with the unintended death of a child of the parent or a child
23 under the care of a guardian or custodian. The grantee shall
24 apply the following eligibility factors in awarding such
25 assistance:

26 a. The child was a stillborn infant or was less than age
27 eighteen at the time of death.

28 b. The request for assistance was approved by the local
29 board or department of health or the county general assistance
30 director and may have been referred by a local funeral home.

31 c. To be eligible, the parent, guardian, or custodian must
32 be receiving public assistance benefits through the county,
33 state, or federal government, or provide other evidence of a
34 lack of financial resources to pay more than a portion of the
35 costs. Public assistance benefits shall include but are not

LSB 5752YH (6) 85

-1-

jp/nh

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2291

1 limited to county general assistance, or benefits provided
2 through the family investment program, federal food assistance
3 program, medical assistance program, or state child care
4 assistance program, or housing assistance.

5 d. The maximum amount of grant assistance provided under
6 this section to a parent, guardian, or custodian associated
7 with the death of a child is \$2,000. If the death is a multiple
8 death and the infants or children are being cremated, or buried
9 together, the same limitation applies.

10 e. To the extent the overall amount of assistance received
11 by a recipient for the costs addressed under this section does
12 not exceed the overall total of the costs, the recipient may
13 receive other public or private assistance in addition to grant
14 assistance under this section.

15 3. Notwithstanding section 8.33, moneys appropriated in
16 this section that remain unencumbered or unobligated at the
17 close of the fiscal year shall not revert but shall remain
18 available for expenditure for the purposes designated until
19 expended.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill makes an appropriation to the department of public
24 health for a grant to provide assistance to parents, guardians,
25 and custodians with the costs resulting from the death of a
26 child.

27 The bill includes grantee qualifications; limits assistance
28 to the costs incurred for a funeral, burial or cremation,
29 cemetery costs, or grave marker costs associated with the
30 unintended death of a child of the parent or a child under
31 the care or custody of the guardian or custodian; limits
32 eligibility to parents, guardians, and custodians who receive
33 county, state, or federal public assistance or do not have
34 the financial resources to pay for more than a portion of the
35 costs; requires approval of a request for assistance by a local

LSB 5752YH (6) 85

-2-

jp/nh

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2291

1 board or department of public health or the county general
2 assistance director; limits assistance under the grant to not
3 more than \$2,000; and allows a recipient to receive other
4 public or private assistance in addition to grant assistance.
5 The appropriation does not revert but remains available until
6 expended.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2292 - Introduced

HOUSE FILE 2292
BY KAJTAZOVIC

A BILL FOR

1 An Act providing for an increase in the state minimum hourly
2 wage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6035YH (2) 85
je/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2292

1 Section 1. Section 91D.1, subsection 1, paragraphs a and d,
2 Code 2014, are amended to read as follows:
3 a. The state hourly wage shall be at least ~~\$6.20 as of April~~
4 ~~1, 2007, and \$7.25 as of January 1, 2008,~~ \$8.25 as of January
5 1, 2016, \$9.25 as of January 1, 2017, and \$10.25 as of January
6 1, 2018.
7 d. An employer is not required to pay an employee the
8 applicable state hourly wage provided in paragraph "a" until the
9 employee has completed ninety calendar days of employment with
10 the employer. An employee who has completed ninety calendar
11 days of employment with the employer ~~prior to April 1, 2007, or~~
12 ~~January 1, 2008,~~ shall earn the applicable state hourly minimum
13 wage as of ~~that~~ the date of completion. An employer shall
14 pay an employee who has not completed ninety calendar days of
15 employment with the employer an hourly wage of at least ~~\$5.30~~
16 ~~as of April 1, 2007, and \$6.35 as of January 1, 2008,~~ \$7.35 as
17 of January 1, 2016, \$8.35 as of January 1, 2017, and \$9.35 as
18 of January 1, 2018.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill increases the state minimum hourly wage to \$8.25
23 as of January 1, 2016, to \$9.25 as of January 1, 2017, and to
24 \$10.25 as of January 1, 2018. The bill increases the state
25 minimum hourly wage for employees employed for less than 90
26 days to \$7.35 as of January 1, 2016, to \$8.35 as of January 1,
27 2017, and to \$9.35 as of January 1, 2018.

LSB 6035YH (2) 85

-1-

je/rj

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2293 - Introduced

HOUSE FILE 2293
BY KAJTAZOVIC

A BILL FOR

1 An Act relating to the choice of doctor to treat injuries.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5702YH (6) 85
rj/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2293

1 Section 1. Section 85.27, subsection 4, Code 2014, is
2 amended to read as follows:
3 4. For purposes of this section, the employer is obliged to
4 furnish reasonable services and supplies to treat an injured
5 employee, and the employee has the right to choose the care.
6 ~~If the employer chooses the care, the~~ The employer shall hold
7 the employee harmless for the cost of the care ~~until the~~
8 ~~employer notifies the employee that the employer is no longer~~
9 ~~authorizing all or any part of the care and the reason for~~
10 ~~the change in authorization. An employer is not liable for~~
11 ~~the cost of care that the employer arranges in response to a~~
12 ~~sudden emergency if the employee's condition, for which care~~
13 ~~was arranged, is not related to the employment chosen.~~ The
14 treatment ~~must~~ shall be ~~offered promptly~~ provided in a timely
15 manner and be reasonably suited to treat the injury without
16 undue inconvenience to the employee. If the employer or
17 employee has reason to be dissatisfied with the care offered
18 or provided, the employer or employee ~~should~~ shall communicate
19 the basis of such dissatisfaction to the employee or employer,
20 in writing ~~if requested~~, following which the employer and the
21 employee may agree to alternate care reasonably suited to
22 treat the injury. If the employer and employee cannot agree
23 on such alternate care, the commissioner may, upon application
24 and reasonable proofs of the necessity therefor, allow and
25 order other care. ~~In an emergency, the employee may choose~~
26 ~~the employee's care at the employer's expense, provided the~~
27 ~~employer or the employer's agent cannot be reached immediately.~~
28 An application made under this subsection shall be considered
29 an original proceeding for purposes of commencement and
30 contested case proceedings under section 85.26. The hearing
31 shall be conducted pursuant to chapter 17A. Before a hearing
32 is scheduled, the parties may choose a telephone hearing or
33 an in-person hearing. A request for an in-person hearing
34 shall be approved unless the in-person hearing would be
35 impractical because of the distance between the parties to the

LSB 5702YH (6) 85

-1-

rj/rj

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2293

1 hearing. The workers' compensation commissioner shall issue a
2 decision within ten working days of receipt of an application
3 for alternate care ~~made pursuant to a telephone hearing or~~
4 ~~within fourteen working days of receipt of an application~~
5 ~~for alternate care made pursuant to an in-person hearing.~~
6 The After receiving notice of an injury, the employer shall
7 promptly notify an injured employee of the employee's ability
8 to contest the employer's choice of right to choose care
9 pursuant to this subsection and the employer and the employer's
10 insurer shall not make suggestions or otherwise attempt
11 to influence the injured employee's choice of a treating
12 physician.

13 When it is medically indicated that no significant
14 improvement from an injury is anticipated, the employer shall
15 obtain a medical opinion regarding the extent of the employee's
16 permanent disability and may arrange for a medical examination
17 of the injured employee in order to do so. The employee shall
18 be paid wages, at the employee's regular rate, plus whatever
19 reasonable transportation expenses are incurred while attending
20 the examination. The physician chosen by the employer to
21 conduct the examination has the right to confer with and obtain
22 from any physician retained by the injured employee sufficient
23 history of the injury to make a proper examination. The
24 refusal of the employee to submit to the examination shall
25 suspend the employee's right to any compensation during the
26 period of the refusal. Compensation shall not be payable for
27 the period of the suspension.

28 Sec. 2. Section 85.39, unnumbered paragraph 1, Code 2014,
29 is amended to read as follows:

30 ~~After an injury, the employee, if requested by the employer,~~
31 ~~shall submit for examination at some reasonable time and~~
32 ~~place and as often as reasonably requested, to a physician or~~
33 ~~physicians authorized to practice under the laws of this state~~
34 ~~or another state, without cost to the employee; but if the~~
35 ~~employee requests, the employee, at the employee's own cost, is~~

LSB 5702YH (6) 85

-2-

rj/rj

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2293

1 ~~entitled to have a physician or physicians of the employee's~~
2 ~~own selection present to participate in the examination. After~~
3 the employer obtains a medical opinion regarding the extent of
4 an injured employee's permanent disability pursuant to section
5 85.27, subsection 4, and if the injured employee believes
6 that the evaluation of the permanent disability contained in
7 the opinion is too low, the employee has the right to obtain
8 another medical opinion from a physician of the employee's
9 choice, at the employer's expense. If an employee is required
10 to leave work for which the employee is being paid wages to
11 attend the requested an examination to obtain another medical
12 opinion, the employee shall be compensated at the employee's
13 regular rate for the time the employee is required to leave
14 work, and the employee shall be furnished transportation to
15 and from the place of examination, or the employer may elect
16 to pay the employee the reasonable cost of the transportation.
17 ~~The refusal of the employee to submit to the examination shall~~
18 ~~suspend the employee's right to any compensation for the period~~
19 ~~of the refusal. Compensation shall not be payable for the~~
20 ~~period of suspension.~~

21 Sec. 3. Section 85.39, unnumbered paragraph 2, Code 2014, is
22 amended by striking the unnumbered paragraph.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the provision of medical services and
27 evaluation of permanent disabilities of injured employees under
28 the workers' compensation law.

29 Code section 85.27, subsection 4, is amended to give an
30 injured employee, instead of the employer, the right to choose
31 the provider of medical services, at the employer's expense.
32 If either the employee or the employer is dissatisfied with
33 the care offered or provided, written notice must be given to
34 the other party, and upon application and hearing the workers'
35 compensation commissioner may allow and order other care. A

LSB 5702YH (6) 85

-3-

rj/rj

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2293

1 decision for alternate care must be issued by the commissioner
2 within 10 working days after receipt of the application for
3 alternate care.

4 Upon receiving notice of an injury, an employer is also
5 required to promptly notify an injured employee of the
6 employee's right to choose medical care and the employer and
7 the employer's insurer are prohibited from making suggestions
8 or otherwise attempting to influence the injured employee's
9 choice of a treating physician.

10 When it is medically indicated that no significant
11 improvement from an injury is anticipated, the employer is
12 required to obtain a medical opinion regarding the extent
13 of the employee's permanent disability and may arrange
14 for a medical examination of the injured employee in order
15 to do so. The employee must be paid regular wages and
16 reasonable transportation expenses incurred while attending
17 the examination. The physician chosen by the employer is
18 entitled to confer with and obtain from any physician retained
19 by the injured employee sufficient history to conduct a proper
20 examination. The refusal of an employee to submit to the
21 examination suspends the employee's right to any compensation
22 during the period of the refusal. Compensation is not payable
23 for the period of the refusal.

24 Code section 85.39 is amended to provide that after the
25 employer obtains a medical opinion regarding the extent of
26 an injured employee's permanent disability pursuant to Code
27 section 85.27, subsection 4, and if the employee believes the
28 extent of permanent disability identified in the opinion is
29 too low, the employee has the right to obtain another medical
30 opinion from a physician of the employee's choice, at the
31 employer's expense.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2294 - Introduced

HOUSE FILE 2294
BY BYRNES

A BILL FOR

1 An Act relating to driving in the passing lane of a highway,
2 and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5666HH (2) 85
dea/tm



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2294

1 Section 1. NEW SECTION. 321.302A Use of passing lane
2 restricted.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Nonpassing lane" means any lane that is to the right
6 of the passing lane if there are two or more adjacent lanes of
7 traffic moving in the same direction on one roadway.

8 b. "Passing lane" means the lane farthest to the left if
9 there are two or more adjacent lanes of traffic moving in the
10 same direction on one roadway; however, if such left lane is
11 restricted to high occupancy vehicle use or is designed for
12 left turns only, the passing lane shall be the lane immediately
13 to the right of such high occupancy lane or left-turn lane.

14 2. a. The driver of a vehicle traveling in the passing
15 lane of a divided highway to the left and abreast of another
16 vehicle, when being approached by an overtaking vehicle, shall
17 move the vehicle being overtaken to the right as soon as the
18 driver can safely do so to allow the overtaking vehicle to
19 pass.

20 b. A person shall not drive a vehicle in the passing lane
21 of a highway if the speed limit is sixty-five miles per hour
22 or more, except to pass another motor vehicle that is in a
23 nonpassing lane or turning left, or unless the volume of
24 traffic does not permit the vehicle to safely merge into a
25 nonpassing lane.

26 c. A violation of this subsection shall not be construed as
27 negligence per se in any civil action.

28 3. A person convicted of a violation of this section is
29 guilty of a simple misdemeanor punishable as a scheduled
30 violation under section 805.8A, subsection 6.

31 Sec. 2. Section 321.482A, unnumbered paragraph 1, Code
32 2014, is amended to read as follows:

33 Notwithstanding section 321.482, a person who is convicted
34 of operating a motor vehicle in violation of section 321.178,
35 subsection 2, paragraph "a", subparagraph (2), section

LSB 5666HH (2) 85
dea/tm

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2294

1 321.180B, subsection 6, section 321.194, subsection 1,
2 paragraph "d", section 321.256, section 321.257, section
3 321.275, subsection 4, section 321.276, 321.297, 321.298,
4 321.299, 321.302, 321.302A, 321.303, 321.304, 321.305, 321.306,
5 321.307, 321.308, section 321.309, subsection 2, or section
6 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324,
7 321.324A, 321.327, 321.329, 321.333, or 321.372, subsection 3,
8 causing serious injury to or the death of another person may be
9 subject to the following penalties in addition to the penalty
10 provided for a scheduled violation in section 805.8A or any
11 other penalty provided by law:

12 Sec. 3. Section 805.8A, subsection 6, Code 2014, is amended
13 by adding the following new paragraph:

14 NEW PARAGRAPH. Oh. Section 321.302A.....\$100

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill requires the driver of a vehicle traveling in
19 the passing lane of a divided highway to the left and abreast
20 of another vehicle, when being approached by an overtaking
21 vehicle, to move to the right as soon as the driver can safely
22 do so to allow the overtaking vehicle to pass. The bill also
23 prohibits driving in the passing lane of a highway if the speed
24 limit is 65 miles per hour or more, except to pass another
25 motor vehicle that is in a nonpassing lane or turning left, or
26 unless the volume of traffic does not permit the vehicle to
27 safely merge into a nonpassing lane.

28 The bill defines "passing lane" as the lane farthest to the
29 left if there are two or more adjacent lanes of traffic moving
30 in the same direction on one roadway. If the left lane is
31 restricted to high occupancy vehicle use or is designed for
32 left turns only, the passing lane is the lane immediately to
33 the right of the high occupancy lane or left-turn lane. The
34 bill defines "nonpassing lane" as any lane that is to the right
35 of the passing lane if there are two or more adjacent lanes of

LSB 5666HH (2) 85

-2-

dea/tm

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2294

1 traffic moving in the same direction on one roadway.
2 A person who violates the provisions of the bill commits
3 a simple misdemeanor punishable by a scheduled fine of \$100.
4 Additional penalties may apply if the violation results in
5 serious injury to or death of another person. These are the
6 same penalties that currently apply to a person who violates
7 requirements for overtaking and passing another vehicle.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2295 - Introduced

HOUSE FILE 2295

BY ISENHART, H. MILLER,
GAINES, and ABDUL-SAMAD

A BILL FOR

1 An Act providing a property tax exemption for land used to
2 produce food within the limits of a city.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5678YH (5) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2295

1 Section 1. Section 427.1, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 25. *Urban farm.* Property certified as an
4 urban farm by a city in compliance with this subsection.
5 *a.* The city council must adopt an ordinance providing for
6 terms and conditions of the exemption.
7 *b.* The property must be owned by a nonprofit entity as
8 defined in section 501(c)(3) of the Internal Revenue Code or
9 must be leased by another person to such a nonprofit entity.
10 The lease must be for at least five consecutive assessment
11 years. The lease may be made on a cash rent basis or crop-share
12 basis. A lease may be renewed or extended.
13 *c.* The property must be located within the corporate limits
14 of the city.
15 *d.* The nonprofit entity must use the property as an urban
16 farm to produce food suitable for human consumption. The food
17 may be further processed or packaged prior to distribution as
18 provided in this subsection.
19 *e.* The food must be distributed to a food bank or emergency
20 feeding organization recognized by the department of revenue.
21 The food bank or emergency feeding organization must distribute
22 the food within the corporate limits of the city.
23 *f.* The city must certify that the property is an urban
24 farm. The city must send a copy of the certification to
25 the appropriate assessor not later than February 1 of the
26 assessment year for which the exemption is requested. The city
27 may subsequently withdraw certification of the property if it
28 is not used as an urban farm and the assessor shall be given
29 written notice of the decertification.
30 *g.* The exemption granted under the provisions of this
31 subsection shall apply until the property is decertified or the
32 lease expires, whichever occurs earlier.
33 *h.* An ordinance adopted under this subsection may provide
34 that upon decertification, all taxes that would have been
35 levied for the period of time the exemption was in effect

LSB 5678YH (5) 85

-1-

da/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2295

1 under this subsection shall be immediately entered against
2 the property on the tax list for the current year and shall
3 constitute a lien against the property in the same manner as
4 a lien for property taxes. The tax when collected shall be
5 apportioned in the same manner provided for the apportionment
6 of the property taxes for the applicable tax year.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill provides a property tax exemption for property
11 located within a city and certified as an urban farm by a
12 city council pursuant to an ordinance. The property must be
13 owned by or leased to a nonprofit entity which must use the
14 property to produce food for distribution to a food bank or
15 emergency feeding organization recognized by the department
16 of revenue. A lease must be for at least five years and the
17 exemption applies until the lease expires or until the property
18 is decertified. A lease may be renewed or extended. The
19 ordinance may provide that upon decertification, the exemption
20 is disallowed and the amount of the property taxes must be
21 entered against the property on the tax list for the current
22 year.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2296 - Introduced

HOUSE FILE 2296
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 2088)

A BILL FOR

1 An Act relating to disposition of unclaimed property provisions
2 applicable to gift certificates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5824HV (1) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2296

1 Section 1. Section 556.9, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. a. An issuer of a gift certificate shall not deduct
4 from the face value of the gift certificate any charge imposed
5 due to the failure of the owner of the gift certificate to
6 present the gift certificate in a timely manner, unless a valid
7 and enforceable written contract exists between the issuer and
8 the owner of the gift certificate pursuant to which the issuer
9 regularly imposes such charges and does not regularly reverse
10 or otherwise cancel them.

11 b. Notwithstanding the time limitation in subsection 1,
12 a gift certificate that is not subject to an expiration date
13 and that is not subject to a deduction from the face value
14 of the gift certificate for failure of the owner of the gift
15 certificate to present the gift certificate in a timely manner,
16 or subject to any other charge or service fee, which card
17 remains unrepresented, shall continue in force and be eligible
18 for presentation for an indefinite period of time, and shall
19 not be subject to a presumption of abandonment.

20 c. For purposes of this subsection, "*gift certificate*" means
21 a merchandise certificate or electronic gift card conspicuously
22 designated as a gift certificate or electronic gift card, and
23 generally purchased by a buyer for use by a person other than
24 the buyer.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill modifies unclaimed property provisions that apply
29 to gift certificates.

30 Current law includes gift certificates within the definition
31 of "property" subject to the disposition of unclaimed property
32 provisions of Code chapter 556. The bill provides that,
33 notwithstanding provisions in Code section 556.2 specifying
34 that intangible personal property that remains unclaimed by
35 the owner for more than three years after it became payable or

LSB 5824HV (1) 85

-1-

rn/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2296

1 distributable is presumed abandoned, a gift certificate that
2 is not subject to an expiration date or subject to any form
3 of late payment charge or other charge or service fee remains
4 eligible for presentation for an indefinite period of time, and
5 shall not be presumed abandoned.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2297 - Introduced

HOUSE FILE 2297
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 519)

A BILL FOR

1 An Act relating to the regulation of pharmacy benefit managers.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5250HV (2) 85
av/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2297

1 Section 1. Section 510B.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. "*Maximum reimbursement amount*" means
4 the maximum reimbursement amount for a therapeutically and
5 pharmaceutically equivalent multiple-source prescription drug
6 that is listed in the most recent edition of the publication
7 entitled approved drug products with therapeutic equivalence
8 evaluations, published by the United States food and drug
9 administration, otherwise known as the orange book.

10 Sec. 2. NEW SECTION. 510B.8 Pricing methodology for maximum
11 reimbursement amount.

12 1. The commissioner may require a pharmacy benefits manager
13 to submit information to the commissioner related to the
14 pharmacy benefit manager's pricing methodology for maximum
15 reimbursement amount.

16 2. For purposes of the disclosure of pricing methodology,
17 maximum reimbursement amounts shall be implemented as follows:

18 a. Established for multiple source prescription drugs
19 prescribed after the expiration of any generic exclusivity
20 period.

21 b. Established for any prescription drug with at least two
22 or more A-rated therapeutically equivalent, multiple source
23 prescription drugs with a significant cost difference.

24 c. Determined using comparable prescription drug prices
25 obtained from multiple nationally recognized comprehensive data
26 sources including wholesalers, prescription drug file vendors,
27 and pharmaceutical manufacturers for prescription drugs that
28 are nationally available and available for purchase locally by
29 multiple pharmacies in the state.

30 3. For those prescription drugs to which maximum
31 reimbursement amount pricing applies, a pharmacy benefits
32 manager shall include in a contract with a pharmacy information
33 regarding which of the national compendia is used to
34 obtain pricing data used in the calculation of the maximum
35 reimbursement amount pricing and shall provide a process to

LSB 5250HV (2) 85

-1-

av/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2297

1 allow a pharmacy to comment on, contest, or appeal the maximum
2 reimbursement amount rates or maximum reimbursement amount
3 list. The right to comment on, contest, or appeal the maximum
4 reimbursement amount rates or maximum reimbursement amount list
5 shall be limited in duration and allow for retroactive payment
6 in the event that it is determined that maximum reimbursement
7 amount pricing has been applied incorrectly.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill relates to the regulation of pharmacy benefit
12 managers. The bill authorizes the commissioner of insurance
13 to require a pharmacy benefits manager to submit information
14 to the commissioner related to the pharmacy benefit manager's
15 pricing methodology for maximum reimbursement amount.

16 The bill provides that for purposes of the disclosure of
17 pricing methodology, a pharmacy benefits manager must use
18 maximum reimbursement amounts that meet specified criteria.
19 "Maximum reimbursement amount" is defined as the maximum
20 reimbursement amount for a therapeutically and pharmaceutically
21 equivalent multiple-source prescription drug that is listed in
22 the United States food and drug administration's publication
23 entitled approved drug products with therapeutic equivalence
24 evaluations, otherwise known as the orange book.

25 For those prescription drugs to which maximum reimbursement
26 amount pricing applies, a pharmacy benefits manager must
27 include information in a contract with a pharmacy showing how
28 maximum reimbursement amount pricing is calculated and allowing
29 the pharmacy the opportunity to comment on, contest, or appeal
30 the maximum reimbursement amount rates and list. The contract
31 must also allow for retroactive payment if it is determined
32 that maximum reimbursement amount pricing has been applied
33 incorrectly.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2298 - Introduced

HOUSE FILE 2298
BY KAJTAZOVIC

A BILL FOR

1 An Act imposing a moratorium on the mining of silica sand and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2298

1 Section 1. SILICA SAND MINING — MORATORIUM.

2 1. For purposes of this section, "silica sand" means
3 well-rounded, sand-sized grains of quartz, also known as
4 silicon dioxide, with few impurities in terms of other minerals
5 that is typically used in the process of hydraulic fracturing
6 of shale. "Silica sand" does not include common rock, stone,
7 aggregate, gravel, sand with a low quartz level, or silica
8 compounds recovered as a by-product of metallic mining.

9 2. On or after the effective date of this Act, the
10 department of agriculture and land stewardship shall not issue
11 a new mining license pursuant to section 208.7 for an operator
12 to engage in the mining of silica sand and shall not approve
13 the registration of a new mine site for silica sand pursuant
14 to section 208.9.

15 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
16 immediate importance, takes effect upon enactment.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to the mining of silica sand.

21 The bill prohibits the department of agriculture and land
22 stewardship, on or after the effective date of the bill, from
23 issuing a new mining license for an operator to engage in the
24 mining of silica sand and from approving the registration of a
25 new mine site for silica sand.

26 The bill takes effect upon enactment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2299 - Introduced

HOUSE FILE 2299
BY KAJTAZOVIC

A BILL FOR

1 An Act establishing a property-assessed clean energy program,
2 authorizing city and county special assessments, and
3 providing civil penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6049YH (3) 85
rn/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 Section 1. Section 331.441, subsection 2, paragraph b, Code
2 2014, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (20) The establishment or funding of a
4 property-assessed clean energy program to finance improvements
5 related to energy efficiency in a county pursuant to chapter
6 385.

7 Sec. 2. Section 384.24, subsection 3, Code 2014, is amended
8 by adding the following new paragraph:

9 NEW PARAGRAPH. y. The establishment or funding of a
10 property-assessed clean energy program to finance improvements
11 related to energy efficiency within a city pursuant to chapter
12 385.

13 Sec. 3. NEW SECTION. 385.1 **Legislative findings — purpose.**

14 The general assembly finds all of the following:

15 1. Renewable energy production and energy efficiency
16 improvements to residential, commercial, and industrial real
17 property, are necessary to address the issue of consumer energy
18 bill stabilization and global climate change.

19 2. The initial investment required to make residential,
20 commercial, or industrial real property more energy-efficient
21 or to utilize renewable energy prevents many property owners
22 from making such improvements. To make renewable energy
23 production or energy efficiency improvements more affordable
24 and to promote their purchase and installation, it is necessary
25 to authorize an alternative procedure for owners of a residence
26 or business to finance such improvements.

27 3. The general assembly declares that a public purpose
28 shall be served by authorizing cities and counties to establish
29 property-assessed clean energy programs and authorizing the
30 governing body of any city or county to assist property owners
31 in financing the purchase and installation of distributed
32 generation renewable energy sources or energy efficiency
33 improvements by offering financial terms that are beneficial
34 to the property owner.

35 Sec. 4. NEW SECTION. 385.2 **Definitions.**

LSB 6049YH (3) 85

-1-

rn/sc

1/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 As used in this chapter, unless the context otherwise
2 requires:

3 1. *"Distributed generation renewable energy source"* means a
4 wind energy conversion facility or a solar energy conversion
5 facility in which the electricity produced is consumed on-site
6 and which offsets electricity consumption otherwise furnished
7 by an electric public utility.

8 2. *"Energy analysis"* means a written report summarizing the
9 results of a physical inspection of a residential, commercial,
10 or industrial building conducted by a public utility or other
11 agency or entity approved by a city or county. The report
12 shall document deficiencies in energy efficiency operation and
13 recommend specified improvements related to efficiency.

14 3. *"Energy efficiency improvement"* means the installation
15 of one or more appliances, heating and cooling systems, or the
16 physical alteration to a building, that has been identified in
17 an energy analysis as improving the energy-efficient operation
18 of a building or as decreasing the amount of energy consumed
19 by a building, or both.

20 Sec. 5. NEW SECTION. 385.3 **Property-assessed clean energy**
21 **program established.**

22 1. A city or county may adopt an ordinance establishing a
23 property-assessed clean energy program in order to allow the
24 city or county to offer to assess to residential, commercial,
25 or industrial property within the city or county the cost of
26 purchasing or installing distributed generation renewable
27 energy sources or energy efficiency improvements.

28 2. A property-assessed clean energy program shall be
29 limited to improvements that will be permanently affixed to
30 real property that has already been developed or upon which
31 buildings have already been constructed. Property owners
32 participating in the program may receive funding for the
33 improvements in advance of installation, or as a reimbursement
34 of amounts expended by the property owner for completed
35 installations. However, the amount advanced or reimbursed

LSB 6049YH (3) 85

-2-

rn/sc

2/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 shall not exceed the total amount identified in the petition
2 submitted by the property owner pursuant to section 385.6.

3 3. Petitions for participation in a property-assessed clean
4 energy program adopted by a city or county may be submitted,
5 considered, and approved or denied either individually or
6 aggregated by neighborhood, district, region, or other basis.

7 Sec. 6. NEW SECTION. 385.4 Resolution of intent.

8 1. The governing body of a city or county may not consider
9 an ordinance establishing a property-assessed clean energy
10 program until after the governing body has adopted a resolution
11 of intent indicating or including the following:

12 a. That the city or county considers it in the public
13 interest to finance the installation of distributed generation
14 renewable energy sources or energy efficiency improvements.

15 b. That the city or county proposes to make special
16 assessment financing or other financing available to property
17 owners seeking to install distributed generation renewable
18 energy sources or energy efficiency improvements.

19 c. A brief description of the proposed arrangements for
20 financing the program.

21 2. The city or county shall hold a public hearing on the
22 resolution at which interested persons may inquire about or
23 object to the proposed program. Notice of the hearing shall
24 be published as provided in section 331.305 or 362.3, as
25 applicable.

26 Sec. 7. NEW SECTION. 385.5 Program requirements —
27 ordinance.

28 1. An ordinance establishing a property-assessed clean
29 energy program shall include the following regarding
30 implementation of the program:

31 a. A schedule for packaging assessments for program finance
32 purposes and city council or board of supervisors approval.

33 b. A draft or sample petition specifying the terms and
34 conditions that would be agreed to by a property owner
35 participating in the program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 c. A statement of policies concerning the assessments
2 including all of the following:
3 (1) Identification of distributed generation renewable
4 energy sources or energy efficiency improvements that may be
5 financed pursuant to the program.
6 (2) Identification of a city or county official authorized
7 to enter into contractual assessments on behalf of the city or
8 county.
9 (3) A maximum aggregate dollar amount of assessment funding
10 available pursuant to the program.
11 (4) A method for prioritizing approved applications in the
12 event the number of applications received for a year exceeds
13 program funds.
14 d. Energy analysis requirements.
15 2. After adoption of an ordinance establishing a
16 property-assessed clean energy program, a plan for raising a
17 capital amount required to pay for work performed pursuant
18 to contractual assessments shall be established by a city or
19 county. A city or county shall be authorized to advance funds
20 available to it from any source, including the sale of bonds as
21 provided in section 385.11 and in section 331.441 or 384.24,
22 as applicable. The plan shall specify the source of financing
23 contemplated by the city or county. The plan shall also
24 provide for a reserve fund and for apportionment of all or any
25 portion of the costs incidental to financing, administration,
26 and collection of the special assessments between or among
27 property owners and the city or county.
28 3. The ordinance establishing a property-assessed clean
29 energy program shall provide for the establishment of a
30 property-assessed clean energy program fund into which bond
31 proceeds and other funds to be utilized in administering the
32 program shall be deposited.
33 4. If a county has adopted a countywide ordinance, a city
34 cannot adopt an ordinance establishing a property-assessed
35 clean energy program applicable to that portion of the city

LSB 6049YH (3) 85
rn/sc

4/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 located within the county. If a county has not adopted a
2 countywide ordinance, a city adopting an ordinance may include
3 an area extending up to two miles distance from the city's
4 boundaries.

5 Sec. 8. NEW SECTION. 385.6 **Petition by property owners.**

6 1. A city or county that has established a property-assessed
7 clean energy program shall develop and make available petitions
8 for distribution to prospective program participants.

9 2. Program participation shall be initiated solely by
10 petition of the property owner, or by a representative of
11 several related or adjoining lots or parcels who has obtained
12 written permission and a copy of an energy analysis from each
13 owner. If a property is in the name of more than one owner, the
14 petition shall be signed by each owner.

15 3. The petition shall state that a copy of a completed
16 energy analysis shall be required for participation in the
17 program and must be attached to the petition. The petition
18 shall contain space for the printed name, signature, and
19 address of the petitioner. For each petitioner, the petition
20 shall contain space for identification of improvements related
21 to energy efficiency identified in the energy analysis for
22 which property-assessed clean energy program financing is
23 sought, a cost estimate for each improvement so identified, and
24 a proposed time frame within which the improvements shall be
25 undertaken and completed.

26 4. A property owner shall certify on the petition that the
27 property owner possesses clear title to the property and is
28 current on all property taxes and mortgage payments.

29 5. Within thirty days following submission of a petition
30 and accompanying energy analysis, a petitioner shall receive
31 notification from the city or county of approval pending
32 adoption of a resolution pursuant to section 385.7 by the city
33 council or county board of supervisors, or of denial of the
34 petition. Following adoption of a resolution, an approved
35 petitioner shall receive notification from the city or county



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 regarding funding amounts, authorization to purchase directly
2 any equipment and materials for the installation of distributed
3 generation renewable energy sources or energy efficiency
4 improvements and to contract directly for such installation,
5 and verification requirements regarding completion of
6 improvements.

7 6. Special assessments for distributed generation renewable
8 energy sources or energy efficiency improvements shall be
9 levied only upon the free and willing consent of the owner of
10 each lot or parcel on which an assessment is levied at the time
11 of levy.

12 Sec. 9. NEW SECTION. 385.7 Resolution and filing.

13 1. Approved petitions, whether submitted on an individual
14 or aggregate basis, shall be grouped either by date of approval
15 or property location, identified by legal description, and
16 submitted to a city council or county board of supervisors in
17 the form of a resolution for approval by majority vote.

18 2. An adopted resolution shall be forwarded to the city
19 clerk, or the county auditor in the case of a county, along
20 with a schedule including a description and parcel number of
21 each lot, the name of the property owner, and the total amount
22 to be assessed to each lot. In counties in which taxes are
23 collected in two or more places, certification shall be to the
24 office of county treasurer where the special assessments are
25 collected. The county treasurer shall preserve the resolution
26 and schedule as a part of the records of the office until the
27 city clerk or county auditor certifies the final assessment
28 schedule as provided in section 385.8 or certifies that the
29 petition has been abandoned.

30 Sec. 10. NEW SECTION. 385.8 Adoption of schedule.

31 1. Within ten days after filing of the resolution and
32 schedule pursuant to section 385.7, a city council or county
33 board of supervisors shall meet, consider, and adopt or amend
34 and adopt, by resolution, a final assessment schedule. The
35 resolution must:

LSB 6049YH (3) 85
rn/sc

6/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 *a.* Confirm and levy assessments.
2 *b.* State the number of annual installments, not exceeding
3 fifteen, into which assessments of more than five hundred
4 dollars are divided.
5 *c.* Provide for interest on all unpaid installments at a rate
6 not exceeding that permitted by chapter 74A.
7 *d.* State the time when assessments are payable.
8 *e.* Direct the city clerk or county auditor, as appropriate,
9 to certify the final schedule to the treasurer of each county
10 in which the assessed property is located.
11 2. The city clerk or county auditor shall send written
12 notice by regular mail to each property owner whose petition
13 has been approved and whose property has been included on the
14 schedule. The notice shall contain all the information and
15 statements required to be included in notices under section
16 384.60, subsection 2.
17 3. The county treasurer shall enter on the county system the
18 amounts to be assessed against each lot, as certified.
19 Sec. 11. NEW SECTION. 385.9 Installments due — lien
20 created.
21 1. Special assessments levied by a city or county pursuant
22 to this chapter shall be levied and collected in the same
23 manner as provided in section 384.65 for public improvement
24 special assessments levied by a city.
25 2. From the date of filing of certification of the
26 resolution and schedule pursuant to section 385.7, the special
27 assessments with all interest become and remain a lien on the
28 benefited property until paid, and have equal precedence with
29 ordinary taxes, and are not divested by any judicial sale.
30 Sec. 12. NEW SECTION. 385.10 Payment to county treasurer.
31 Assessments levied and certified under this chapter,
32 including installments and interest, are payable at the office
33 of the county treasurer of the county where the property
34 assessed is located, except that assessments may be paid
35 in full or in part and without interest within thirty days



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 after the date of certification, at the office of the county
2 treasurer, if the property being assessed is located in an
3 unincorporated area, or the city clerk, if the property being
4 assessed is located in an incorporated area.

5 Sec. 13. NEW SECTION. 385.11 Bonds issued.

6 1. After certification of the final assessment schedule, a
7 city or county may, by resolution, authorize and issue bonds in
8 anticipation of the collection of unpaid special assessments.
9 However, the total principal amount of bonds issued may not
10 exceed the total amount of unpaid special assessments.

11 2. All special assessment bonds are negotiable, must state
12 on their face that they are issued under the provisions of this
13 chapter, and are payable as to both principal and interest from
14 the proceeds of the special assessments. Such bonds may bear
15 interest at a rate not exceeding that permitted by chapter
16 74A payable annually or semiannually, must mature serially
17 on December 1 of the years in which any of the principal is
18 scheduled to become due, and may contain a provision that the
19 city or county reserves the right and option of calling and
20 redeeming any or all of the bonds prior to maturity on any
21 interest payment date or within forty-five days thereafter
22 upon the terms specified therein. Such bonds must be called
23 "improvement bonds", must designate the general type of
24 improvement or improvements for which issued, and may be issued
25 in any denomination. The bonds must be named in a way to
26 distinguish them from other improvement bonds of the city or
27 county, and to designate the property specially assessed for
28 the improvement. Improvement bonds issued for any one levy
29 must bear the same date and be divided into as many series as
30 there are years in which installments of the special assessment
31 mature, and each series must be as nearly equal in amount as
32 practicable.

33 3. The proceeds of the special assessments and interest
34 collected thereon must be used and applied by the city or
35 county to the payment of the interest on the bonds and to

LSB 6049YH (3) 85

-8-

rn/sc

8/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 the retirement of the principal as rapidly as proceeds are
2 collected. Such bonds and coupons do not make the city or
3 county liable in any way, except for the proper application of
4 special assessments. If interest becomes due on any of the
5 bonds when there is no fund from which to pay it, the council
6 or board of supervisors may make a temporary loan for payment
7 of the interest, which loan must be repaid from the special
8 assessments and interest pledged to secure the bonds, but in
9 case of purchase by the city or county at tax sale of the
10 property on which a special assessment under this chapter is
11 levied, from the general fund.

12 4. Special assessment bonds issued under this section
13 must be sold at public or private sale in the manner provided
14 by chapter 75, and may not be sold for less than par value
15 with accrued interest from date to the time of delivery. The
16 proceeds of the sale must be applied to the payment of the
17 cost of financing the distributed generation renewable energy
18 sources or energy efficiency improvements approved under this
19 chapter.

20 5. Any excess of proceeds from special assessments
21 remaining after all of the bonds have been paid with interest
22 may be credited to the property-assessed clean energy program
23 fund established pursuant to ordinance or returned to the
24 applicable property owners on a proportionate basis.

25 6. Cities or counties may issue refunding bonds to pay off
26 and take up special assessment bonds issued pursuant to this
27 chapter, or to refund any part thereof, as follows:

28 a. Refunding bonds must substantially conform to the
29 provisions of this chapter, and the face value is limited to
30 the amount of the unpaid special assessments with the interest
31 thereon of the particular issue of bonds to be refunded.

32 b. Refunding bonds or their proceeds may be used only to pay
33 improvement bonds taken up.

34 c. The expense of refunding bonds must be paid out of the
35 property-assessed clean energy program fund of the city or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 county.

2 *d.* When refunding bonds are issued to pay improvement
3 bonds, all special assessments and sinking funds applicable to
4 the payment of the improvement bonds previously issued must
5 be applied in the same manner and to the same extent to the
6 payment of the refunding bonds, and all the powers and duties
7 to levy and to carry special assessments and taxes, to create
8 liens upon property, and to establish sinking funds in respect
9 to the bonds previously issued continue until refunding bonds
10 are paid.

11 *e.* The city or county shall collect the special assessment
12 out of which the refunding bonds are payable and hold the
13 proceeds in trust for the payment of the refunding bonds, but
14 it is not liable except for the proper application of the
15 assessments.

16 7. No action shall be brought questioning the legality
17 of the bonds authorized by this section from and after sixty
18 days from the date the bonds are ordered issued by the city or
19 county.

20 Sec. 14. NEW SECTION. 385.12 Verification — penalty.

21 1. A city or county shall determine an inspection
22 procedure to be utilized upon completion of the installation
23 of a distributed generation renewable energy source or
24 an energy efficiency improvement financed pursuant to the
25 property-assessed clean energy program.

26 2. The city council or board of supervisors may impose a
27 civil penalty against a property owner for failure to complete
28 an energy improvement for which a petition was submitted by the
29 property owner and approved and financing was received. The
30 penalty may be in an amount up to but not exceeding the amount
31 of financing received.

32 Sec. 15. Section 403.19, subsection 2, paragraph a, Code
33 2014, is amended to read as follows:

34 *a.* That portion of the taxes each year in excess of such
35 amount shall be allocated to and when collected be paid into

LSB 6049YH (3) 85

-10-

rn/sc

10/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 a special fund of the municipality to pay the principal of
2 and interest on loans, moneys advanced to, or indebtedness,
3 whether funded, refunded, assumed, or otherwise, including
4 bonds issued under the authority of section 403.9, subsection
5 1, incurred by the municipality to finance or refinance, in
6 whole or in part, an urban renewal project within the area,
7 and to provide assistance for low and moderate income family
8 housing as provided in section 403.22, and to provide funding
9 for a property-assessed clean energy program adopted pursuant
10 to chapter 385 with regard to property within the urban renewal
11 area. However, except as provided in paragraph "b", taxes for
12 the regular and voter-approved physical plant and equipment
13 levy of a school district imposed pursuant to section 298.2
14 and taxes for the instructional support program of a school
15 district imposed pursuant to section 257.19, taxes for the
16 payment of bonds and interest of each taxing district, and
17 taxes imposed under section 346.27, subsection 22, related to
18 joint county-city buildings shall be collected against all
19 taxable property within the taxing district without limitation
20 by the provisions of this subsection.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill authorizes cities and counties to establish
25 a property-assessed clean energy program to finance the
26 installation of distributed generation renewable energy sources
27 or energy efficiency improvements for the benefit of property
28 owners within the city or county.

29 The bill defines a "distributed generation renewable energy
30 source" to mean a wind energy conversion facility or a solar
31 energy conversion facility in which the electricity produced
32 is consumed on-site and which offsets electricity consumption
33 otherwise furnished by an electric public utility. The bill
34 defines an "energy efficiency improvement" as the installation
35 of one or more appliances, heating and cooling systems, or the

LSB 6049YH (3) 85

-11-

rn/sc

11/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 physical alteration to a building that has been identified in
2 an energy analysis as improving the energy-efficient operation
3 of a building or as decreasing the amount of energy consumed by
4 that building, or both. The bill defines an "energy analysis"
5 as a written report summarizing the results of a physical
6 inspection of a residential, commercial, or industrial building
7 conducted by a public utility or other agency or entity
8 approved by a city or county documenting deficiencies in energy
9 efficiency operation and recommending specified improvements
10 related to energy efficiency.

11 Pursuant to the program, a city or county may offer to assess
12 to residential, commercial, or industrial property within the
13 city or county the cost of purchasing or installing distributed
14 generation renewable energy sources or energy efficiency
15 improvements. The bill states that the program shall be
16 limited to distributed generation renewable energy sources or
17 energy efficiency improvements that will be permanently affixed
18 to real property which has already been developed or upon which
19 buildings have already been constructed, and that property
20 owners participating in the program may receive advance funding
21 for the improvements or reimbursement after the fact.

22 The bill provides that the governing body of a city or county
23 initiates participation in the program by adopting a resolution
24 of intent indicating that it is in the public interest to
25 finance the installation of distributed generation renewable
26 energy sources or energy efficiency improvements, that special
27 assessment financing or other financing shall be available
28 to property owners, and a brief description of financing
29 arrangements. The bill provides for notice regarding the time
30 and place of a public hearing on the resolution.

31 The bill directs a city or county wishing to establish a
32 property-assessed clean energy program to adopt an ordinance
33 which shall include a schedule for packaging assessments for
34 program finance purposes and city council or county board of
35 supervisors approval, a draft or sample petition specifying

LSB 6049YH (3) 85

-12-

rn/sc

12/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 the terms and conditions that would be agreed to by a property
2 owner participating in the program, a statement of policies
3 concerning the assessments, and energy analysis requirements.
4 After adoption of the ordinance, the city or county is also
5 directed to establish a plan for raising the capital to pay for
6 work performed pursuant to the special assessments and shall be
7 authorized to advance funds available to it from any source.
8 The bill states that if a county has adopted a countywide
9 ordinance, a city cannot adopt an ordinance in that portion of
10 the city located within the county.

11 The bill provides that the city or county shall develop
12 petitions for use by property owners applying for the program,
13 informing the property owner of the need to complete an energy
14 analysis, containing space for property owner identifying
15 information and for a listing of improvements related to energy
16 efficiency and cost estimates for which a special assessment
17 is sought, and requesting a proposed time frame within which
18 the improvements shall be undertaken and completed. Program
19 participation shall be initiated solely by petition of the
20 property owner or by a representative of several related or
21 adjoining lots or parcels who has obtained written permission,
22 a petition signature, and a copy of an energy analysis from
23 each owner. The bill provides that a property owner shall
24 certify on the petition that the property owner possesses a
25 clear title to the property and is current on all property
26 taxes and mortgage payments. The bill provides that within
27 30 days following submission of a petition and accompanying
28 energy analysis, a petitioner shall receive notification
29 from the city or county of approval or denial, and that if
30 approved the petitioner shall receive subsequent notification
31 regarding funding amounts, authorization to purchase directly
32 any equipment and materials for the installation of distributed
33 generation renewable energy sources or energy efficiency
34 improvements and to contract directly for such installation,
35 and verification requirements regarding completion of

LSB 6049YH (3) 85

-13-

rn/sc

13/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 improvements.

2 The bill provides that approved petitions, whether submitted
3 on an individual or aggregate basis, shall be grouped either
4 by date of approval or property location, identified by legal
5 description, and submitted to a city council or county board
6 of supervisors in the form of a resolution for approval by
7 majority vote. The bill directs a city council or county board
8 of supervisors to forward an approved resolution to the city
9 clerk or county auditor, as applicable, along with a schedule
10 including a description and parcel number of each lot, the name
11 of the property owner, the valuation of each lot as determined
12 by the council, and the total amount proposed to be assessed
13 to each lot.

14 The bill then specifies procedures for adoption of the
15 schedule by the city council or county board of supervisors,
16 certification to the county treasurer, and property owner
17 notification provisions. The bill provides that the special
18 assessments shall be levied and collected in the same manner as
19 provided in Code section 384.65 for public improvement special
20 assessments levied by a city. Bonding provisions are set forth
21 which closely correspond to provisions applicable to special
22 assessment bonds authorized in Code section 384.68.

23 The bill authorizes utilization of tax increment
24 financing moneys to fund special assessments under the
25 program for property in an urban renewal area, and includes
26 the establishment of the program within the definition of
27 "essential corporate purpose" and "essential county purpose"
28 contained in Code chapters 384 and 331, respectively, and
29 applicable to the issuance of general obligation bonds.

30 The bill requires a city or county to determine an inspection
31 procedure to verify completion of an improvement related to
32 energy efficiency financed pursuant to the program.

33 The bill provides that a city or county may impose a civil
34 penalty in an amount not to exceed the amount financed for
35 failure to complete an improvement for which a petition was

LSB 6049YH (3) 85

-14-

rn/sc

14/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2299

1 submitted and approved and financing was received.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2300 - Introduced

HOUSE FILE 2300
BY BEARINGER

A BILL FOR

1 An Act relating to the care of livestock, by providing training
2 for law enforcement officials and a tax credit to reimburse
3 veterinarians who provide livestock food, and including
4 applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5776HH (7) 85
da/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2300

1 DIVISION I
2 LAW ENFORCEMENT TRAINING REQUIREMENTS — LIVESTOCK ENDANGERMENT
3 Section 1. Section 80B.11, subsection 1, paragraph c, Code
4 2014, is amended by adding the following new subparagraph:
5 NEW SUBPARAGRAPH. (4) In-service training under this
6 paragraph “c” shall include a requirement that all sheriffs and
7 deputy sheriffs complete a one-hour course regarding livestock
8 endangerment at least once each year. The course shall provide
9 practical methods to identify differences between an offense
10 committed against livestock or livestock in immediate need of
11 sustenance and a customary animal husbandry practice under
12 chapter 717. The director may consult with the Iowa veterinary
13 medical association, the veterinary college of the Iowa state
14 university of science and technology, and the Iowa board of
15 veterinary medicine in developing and administering the course.

16 DIVISION II
17 TAX CREDIT FOR VETERINARIANS PROVIDING FEED
18 Sec. 2. Section 2.48, subsection 3, paragraph f, Code 2014,
19 is amended to read as follows:
20 f. In 2017, ~~the:~~
21 (1) The veterinarian feed expense tax credit under chapter
22 717.
23 (2) The innovation fund investment tax credit available
24 under section 15E.52.
25 Sec. 3. Section 169.13, subsection 1, Code 2014, is amended
26 by adding the following new paragraph:
27 NEW PARAGRAPH. *od.* Filing a false or fraudulent
28 veterinarian feed expense tax credit as part of a state income
29 tax return made with the intent to evade the state income tax.
30 Sec. 4. NEW SECTION. **422.11K Veterinarian feed expense tax**
31 **credit.**
32 The taxes imposed under this division, less the credits
33 allowed under section 422.12, shall be reduced by a
34 veterinarian feed expense tax credit allowed under section
35 717.11.

LSB 5776HH (7) 85
da/rj

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2300

1 Sec. 5. Section 422.33, Code 2014, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 22. The taxes imposed under this division
4 shall be reduced by a veterinarian feed expense tax credit
5 allowed under section 717.7.

6 Sec. 6. NEW SECTION. 717.11 **Veterinarian feed expense tax**
7 **credit.**

8 1. A veterinarian feed expense tax credit is allowed under
9 this section. The tax credit is allowed against the taxes
10 imposed in chapter 422, division II, as provided in section
11 422.11K, and in chapter 422, division III, as provided in
12 section 422.33, to reimburse a taxpayer for providing feed to
13 livestock under this chapter.

14 2. In order to be eligible to claim a veterinarian feed
15 expense tax credit, all of the following must apply:

16 a. The taxpayer is a veterinarian licensed under chapter
17 169.

18 b. The taxpayer provides feed to livestock which is rescued
19 or maintained by a local authority, including under section
20 717.2A or 717.5 or supervised by the department or a qualified
21 person appointed by the department under section 717.3, 717.4,
22 or 717.5.

23 c. The taxpayer provides feed to livestock in the tax year
24 that the taxpayer claims the tax credit.

25 d. The taxpayer complies with rules for claiming the tax
26 credit as adopted by the department of revenue in consultation
27 with the department of agriculture and land stewardship.

28 3. The amount of the tax credit is computed by adding
29 the taxpayer's actual and necessary expenses incurred by the
30 veterinarian in providing the livestock with feed and then
31 subtracting from that sum any amount that the veterinarian
32 received as reimbursement. However, the amount of the tax
33 credit shall not exceed one thousand dollars in any tax year.

34 4. An individual may claim a tax credit of a partnership,
35 limited liability company, S corporation, estate, or trust

LSB 5776HH (7) 85

-2-

da/rj

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2300

1 electing to have income taxed directly to the individual. The
2 amount claimed by the individual shall be based upon the pro
3 rata share of the individual's earnings from the partnership,
4 limited liability company, S corporation, estate, or trust.

5 5. A tax credit in excess of the taxpayer's liability for
6 the tax year may be credited to the tax liability for the
7 following five years or until depleted, whichever is earlier.
8 A tax credit shall not be carried back to a tax year prior to
9 the tax year in which the taxpayer redeems the tax credit. A
10 tax credit shall not be transferable to any other person other
11 than the taxpayer's estate or trust upon the taxpayer's death.

12 Sec. 7. APPLICABILITY. This division of this Act is
13 applicable January 1, 2015, for tax years beginning on or after
14 that date.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 GENERAL. This bill provides for the care of livestock
19 by local or state government, including by a local authority
20 (county or city) in order to rescue, maintain, or dispose of
21 the livestock pursuant to a court order (Code section 717.2,
22 717.2A, or 717A.5) or by the department of agriculture and
23 land stewardship (DALS) in supervising livestock that is in
24 immediate need of sustenance (Code section 717.3, 717.4, or
25 717.5) and providing for its sustenance and disposition.

26 BILL'S PROVISIONS — IN-SERVICE TRAINING BY LAW ENFORCEMENT
27 OFFICIALS. The bill requires additional in-service training
28 for sheriffs and deputy sheriffs by the Iowa law enforcement
29 academy (Code section 80B.11). The bill requires in-service
30 training that provides practical methods to identify
31 differences between endangered livestock and a customary animal
32 husbandry practice. The bill also provides that the program
33 may be developed and administered in consultation with the Iowa
34 veterinary medical association, the veterinary college of the
35 Iowa state university of science and technology, and the Iowa

LSB 5776HH (7) 85

-3-

da/rj

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2300

1 board of veterinary medicine.

2 BILL'S PROVISIONS — TAX CREDIT TO REIMBURSE VETERINARIANS
3 PROVIDING FEED TO LIVESTOCK. The bill also provides that if a
4 local authority or DALs involves a veterinarian who feeds the
5 livestock, the veterinarian is entitled to claim an annual tax
6 credit for unreimbursed expenses up to \$1,000.

7 BACKGROUND. A local authority may be a party to a civil
8 action to maintain or dispose of livestock (cattle, goats,
9 sheep, horses, swine, ostriches, rheas, emus, farm deer
10 (e.g., confined whitetail), or poultry), in cases of livestock
11 neglect involving a responsible person's failure to provide the
12 livestock with care or who injures or destroy the livestock,
13 including to comply with customary animal practices. A
14 local authority may rescue the livestock and provide for its
15 maintenance, including by contracting with a livestock care
16 provider (Code section 717.2A). DALs may also be a party of
17 a civil action to supervise, or appoint a qualified person to
18 supervise, certain species of livestock (cattle, sheep, swine,
19 or poultry). In both cases, a local authority or DALs must act
20 in accordance with a court order (Code sections 717.3, 717.4,
21 and 717.5) which may provide for the sale of the livestock and
22 the distribution of any proceeds to cover expenses incurred by
23 the local authority or DALs.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2301 - Introduced

HOUSE FILE 2301
BY HALL

A BILL FOR

1 An Act restricting the sale of information or data relating to
2 a deferred judgment and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5102YH (2) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2301

1 Section 1. NEW SECTION. 602.1615 Dissemination of
2 information or data related to a deferred judgment.

3 1. As used in this section, "*information or data*" means
4 information or data contained within the Iowa court information
5 system or criminal history data as defined in section 692.1
6 contained within the computer data storage system of the
7 department of public safety or a criminal or juvenile justice
8 agency.

9 2. A person who purchases information or data and offers
10 such information or data for sale, shall not sell the
11 information or data relating to a deferred judgment even if the
12 official notification of the successful completion of probation
13 following a deferred judgment has not occurred as of the date
14 of the purchase.

15 3. The person who purchases the information or data shall
16 bear the burden of determining if a case is related to a
17 deferred judgment. If the person is unable to determine if a
18 case is related to a deferred judgment the information or data
19 shall not be sold or disseminated by the person until such a
20 determination is made.

21 4. A person who violates this section shall pay a five
22 hundred dollar civil penalty for each violation payable to the
23 clerk of the district court for deposit in the general fund of
24 the state pursuant to section 602.8108.

25 5. This section shall not apply to a law enforcement agency,
26 the judicial branch, or any other entity authorized by law to
27 disseminate information related to a deferred judgment.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill relates to the sale of information or data related
32 to a deferred judgment.

33 The bill defines "*information or data*" to mean information
34 or data contained within the Iowa court information system
35 or criminal history data contained within the computer data

LSB 5102YH (2) 85

-1-

jm/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2301

1 storage system of the department of public safety or a criminal
2 or juvenile justice agency.

3 The bill prohibits a person, who purchases information
4 or data, from selling the information or data relating to
5 a deferred judgment even if the official notification of
6 the successful completion of probation following a deferred
7 judgment has not occurred as of the date of the purchase.

8 The bill places the burden on the person who purchases the
9 information or data to determine if a case is related to a
10 deferred judgment. If the person is unable to determine a
11 case is related to a deferred judgment, the bill prohibits the
12 information or data from being sold or disseminated by the
13 person until such a determination is made.

14 A person who violates the bill is subject to a \$500 civil
15 penalty for each violation payable to the clerk of the district
16 court for deposit into the general fund of the state pursuant
17 to Code section 602.8108.

18 The bill does not apply to a law enforcement agency, the
19 judicial branch, or any other entity authorized by law to
20 disseminate information related to a deferred judgment.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2302 - Introduced

HOUSE FILE 2302
BY DEYOE

A BILL FOR

1 An Act prohibiting the hunting or taking of cougars and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5902HH (4) 85
da/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2302

1 Section 1. NEW SECTION. 481A.49 Cougars.

2 The commission shall not establish a season for hunting
3 cougars.

4 Sec. 2. NEW SECTION. 481B.5A Cougars — taking prohibited.

5 1. A person shall not take or attempt to take a cougar.

6 2. This section does not prohibit any of the following:

7 a. A person acting to carry out an order issued by a court.

8 b. A licensed veterinarian practicing veterinary medicine as
9 provided in chapter 169.

10 c. An action to protect private property from damage as
11 provided by rules adopted by the department. The action may
12 be conducted by the department of natural resources, including
13 a wild animal depredation biologist, or by an agricultural
14 producer suffering financial losses from the destruction of
15 livestock.

16 d. A person reasonably acting to protect a person from
17 injury or death caused by a cougar.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill provides that a person is prohibited from taking
22 or attempting to take a cougar. A taking includes wounding,
23 killing, trapping, capturing, or collecting (Code section
24 481B.1). The bill provides for a number of exceptions.
25 A person violating the prohibition is guilty of a simple
26 misdemeanor (Code section 481B.10). A simple misdemeanor is
27 punishable by confinement for no more than 30 days or a fine of
28 at least \$65 but not more than \$625 or by both.

LSB 5902HH (4) 85
da/sc

-1-

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2303 - Introduced

HOUSE FILE 2303

BY DUNKEL

(COMPANION TO LSB 5131SS BY
BREITBACH)

A BILL FOR

1 An Act relating to the performance of background checks for
2 certified nurse aide training program students.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5131HH (1) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2303

1 Section 1. Section 135C.33, subsection 8, paragraph b, Code
2 2014, is amended to read as follows:

3 b. Prior to a student beginning or returning to a certified
4 nurse aide training program, the program shall request that
5 the department of public safety perform a criminal history
6 check and the department of human services perform child and
7 dependent adult abuse record checks, in this state, of the
8 student. In lieu of requesting the criminal history check in
9 this state, the program may conduct a comprehensive national
10 criminal history check that incorporates criminal history
11 records in this state. The program may contract with a
12 third party to initiate and receive the record checks on the
13 program's behalf. The program or the program's contractor
14 may access the single contact repository established pursuant
15 to this section as necessary ~~for the program~~ to initiate the
16 record checks.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to the performance of background checks
21 for certified nurse aide training program students. These
22 programs are approved in accordance with rules adopted by the
23 department of human services (DHS) to train persons seeking to
24 be a certified nurse aide.

25 Current law requires the training programs to request that
26 the department of public safety perform a criminal history
27 check and DHS perform child and dependent adult abuse record
28 checks, in this state, before a student begins or returns to
29 a program. Under the bill, in lieu of requesting a criminal
30 history check in this state by the department, the program
31 may instead conduct a comprehensive national criminal history
32 check that incorporates criminal history records in this state.
33 The bill authorizes a training program to contract with a
34 third party to initiate and receive the record checks on the
35 program's behalf, including accessing the single contact

LSB 5131HH (1) 85

-1-

jp/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2303

1 repository. The repository is a means of providing electronic
2 access to data for the purpose of background checks.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2304 - Introduced

HOUSE FILE 2304
BY HALL

A BILL FOR

1 An Act relating to the property tax credit or rent
2 reimbursement for elderly, disabled, and low-income persons
3 and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5262YH (4) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2304

1 Section 1. Section 425.23, subsection 1, paragraph a, Code
2 2014, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 a. (1) The tentative credit or reimbursement for a claimant
5 described in section 425.17, subsection 2, paragraph "a",
6 subparagraph (1), that is a single-person household, shall be
7 determined in accordance with the following schedule:

8	Percent of property taxes
9	due or rent constituting
10	property taxes paid
11 If the household	allowed as a credit or
12 income is:	reimbursement:

13 \$ 0 — 26,499.99	100%
14 26,500 — 27,999.99	85
15 28,000 — 29,499.99	70
16 29,500 — 30,499.99	55
17 30,500 — 31,999.99	40
18 32,000 — 33,499.99	25

19 (2) The tentative credit or reimbursement for a claimant
20 described in section 425.17, subsection 2, paragraph "a",
21 subparagraph (1), that is part of a household consisting of
22 the claimant and the claimant's spouse, shall be determined in
23 accordance with the following schedule:

24	Percent of property taxes
25	due or rent constituting
26	property taxes paid
27 If the household	allowed as a credit or
28 income is:	reimbursement:

29 \$ 0 — 30,999.99	100%
30 31,000 — 32,699.99	85
31 32,700 — 34,499.99	70
32 34,500 — 35,999.99	55
33 36,000 — 37,699.99	40
34 37,700 — 39,499.99	25

35 Sec. 2. Section 425.23, subsection 1, paragraph b,

LSB 5262YH (4) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2304

1 subparagraphs (1) and (2), Code 2014, are amended by striking
2 the subparagraphs and inserting in lieu thereof the following:

3 (1) (a) If the amount appropriated under section 425.40
4 plus any supplemental appropriation made for a fiscal year
5 for purposes of this paragraph "b" is at least twenty-seven
6 million dollars, the tentative credit or reimbursement for a
7 claimant that is a single-person household shall be determined
8 in accordance with the following schedule:

9		Percent of property taxes
10		due or rent constituting
11		property taxes paid
12	If the household	allowed as a credit or
13	income is:	reimbursement:
14	\$ 0 — 26,499.99	100%
15	26,500 — 27,999.99	85
16	28,000 — 29,499.99	70
17	29,500 — 30,499.99	55
18	30,500 — 31,999.99	40
19	32,000 — 33,499.99	25

20 (b) If the amount appropriated under section 425.40 plus
21 any supplemental appropriation made for a fiscal year for
22 purposes of this paragraph "b" is at least twenty-seven million
23 dollars, the tentative credit or reimbursement for a claimant
24 that is part of a household consisting of the claimant and the
25 claimant's spouse shall be determined in accordance with the
26 following schedule:

27		Percent of property taxes
28		due or rent constituting
29		property taxes paid
30	If the household	allowed as a credit or
31	income is:	reimbursement:
32	\$ 0 — 30,999.99	100%
33	31,000 — 32,699.99	85
34	32,700 — 34,499.99	70
35	34,500 — 35,999.99	55

LSB 5262YH (4) 85
md/sc

2/8



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2304

1 36,000 — 37,699.99 40

2 37,700 — 39,499.99 25

3 (2) (a) If the amount appropriated under section 425.40
4 plus any supplemental appropriation made for a fiscal year
5 for purposes of this paragraph "b" is less than twenty-seven
6 million dollars, the tentative credit or reimbursement for a
7 claimant that is a single-person household shall be determined
8 in accordance with the following schedule:

	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
9	
10	
11	
12 If the household	
13 income is:	

14 \$ 0 — 26,499.99	50%
---------------------------	-----

15 26,500 — 27,999.99	42
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16 28,000 — 29,499.99	35
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17 29,500 — 30,499.99	27
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18 30,500 — 31,999.99	20
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19 32,000 — 33,499.99	12
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20 (b) If the amount appropriated under section 425.40 plus any
21 supplemental appropriation made for a fiscal year for purposes
22 of this lettered paragraph is less than twenty-seven million
23 dollars, the tentative credit or reimbursement for a claimant
24 that is part of a household consisting of the claimant and the
25 claimant's spouse shall be determined in accordance with the
26 following schedule:

	Percent of property taxes due or rent constituting property taxes paid allowed as a credit or reimbursement:
27	
28	
29	
30 If the household	
31 income is:	

32 \$ 0 — 30,999.99	50%
---------------------------	-----

33 31,000 — 32,699.99	42
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34 32,700 — 34,499.99	35
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35 34,500 — 35,999.99	27
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LSB 5262YH (4) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2304

1 36,000 — 37,699.99 20

2 37,700 — 39,499.99 12

3 Sec. 3. Section 425.23, subsection 3, paragraph a, Code
4 2014, is amended to read as follows:

5 a. In addition to a claim for property taxes due, claimants
6 who have an unpaid special assessment levied against the
7 homestead may be eligible for a special assessment credit.
8 A person who is eligible to file a claim as a single-person
9 household for credit for property taxes due, and who has a
10 household income of eight thousand five hundred dollars or
11 less than twenty-six thousand five hundred dollars, and who
12 has an unpaid special assessment levied against the homestead
13 may file a claim for a special assessment credit with the
14 county treasurer. A person who is eligible to file a claim
15 for the person and the person's spouse for credit for property
16 taxes due, who has a household income of less than thirty-one
17 thousand dollars, and who has an unpaid special assessment
18 levied against the homestead may file a claim for a special
19 assessment credit with the county treasurer. The department
20 shall provide to the respective treasurers the forms necessary
21 for the administration of this subsection. The claim shall
22 be filed not later than September 30 of each year. Upon the
23 filing of the claim, interest for late payment shall not accrue
24 against the amount of the unpaid special assessment due and
25 payable. The claim filed by the claimant constitutes a claim
26 for credit of an amount equal to the actual amount due upon the
27 unpaid special assessment, plus interest, payable during the
28 fiscal year for which the claim is filed against the homestead
29 of the claimant. However, where if the claimant is an
30 individual described in section 425.17, subsection 2, paragraph
31 "a", subparagraph (2), who is claiming as a single-person
32 household, who has a household income of less than twenty-six
33 thousand five hundred dollars, and the tentative credit is
34 determined according to the schedule in subsection 1, paragraph
35 "b", subparagraph (2), of this section, the claim filed

LSB 5262YH (4) 85

md/sc

4/8



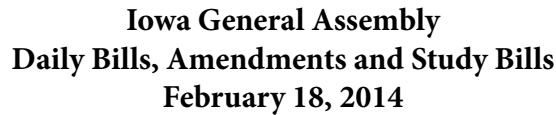
Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2304

1 constitutes a claim for credit of an amount equal to one-half
2 of the actual amount due and payable during the fiscal year.
3 If the claimant is an individual described in section 425.17,
4 subsection 2, paragraph "a", subparagraph (2), who is claiming
5 on behalf of the individual and the individual's spouse,
6 who has a household income of less than thirty-one thousand
7 dollars, and the tentative credit is determined according to
8 the schedule in subsection 1, paragraph "b", subparagraph (2),
9 of this section, the claim filed constitutes a claim for credit
10 of an amount equal to one-half of the actual amount due and
11 payable during the fiscal year. The treasurer shall certify to
12 the director of revenue not later than October 15 of each year
13 the total amount of dollars due for claims allowed. The amount
14 of reimbursement due each county shall be certified by the
15 director of revenue and paid by the director of the department
16 of administrative services by November 15 of each year, drawn
17 upon warrants payable to the respective treasurer. There is
18 appropriated annually from the general fund of the state to the
19 department of revenue an amount sufficient to carry out the
20 provisions of this subsection. The treasurer shall credit any
21 moneys received from the department against the amount of the
22 unpaid special assessment due and payable on the homestead of
23 the claimant.

24 Sec. 4. Section 425.23, subsection 4, Code 2014, is amended
25 to read as follows:

26 4. a. For the base year beginning in the ~~1999~~ 2015 calendar
27 year and for each subsequent base year, the dollar amounts
28 set forth in subsections 1 and 3 shall be multiplied by the
29 cumulative adjustment factor for that base year. "*Cumulative*
30 *adjustment factor*" means the product of the annual adjustment
31 factor for the ~~1998~~ 2014 base year and all annual adjustment
32 factors for subsequent base years. The cumulative adjustment
33 factor applies to the base year beginning in the calendar
34 year for which the latest annual adjustment factor has been
35 determined.



b. The annual adjustment factor for the ~~1998~~ 2014 base year is one hundred percent. For each subsequent base year, the annual adjustment factor equals the annual inflation factor for the calendar year, in which the base year begins, as computed in section 422.4 for purposes of the individual income tax.

(3) Beginning with the 1998 base year, the income dollar amounts set forth in this paragraph "b" shall be multiplied by the cumulative adjustment factor for that base year as determined in section 425.23, subsection 4. "Cumulative adjustment factor" means the product of the annual adjustment factor for the 1998 base year and all annual adjustment factors for subsequent base years. The cumulative adjustment factor applies to the base year beginning in the calendar year for which the latest annual adjustment factor has been determined. The annual adjustment factor for the 1998 base year is one hundred percent. For each subsequent base year, the annual adjustment factor equals the annual inflation factor for the calendar year, in which the base year begins, as computed in section 422.4 for purposes of the individual income tax.

22 Sec. 6. APPLICABILITY. This Act applies to claims for
23 credit under chapter 425, division II, for property taxes due
24 and payable in fiscal years beginning on or after July 1, 2015,
25 and to claims for reimbursement for rent constituting property
26 taxes paid under chapter 425, division II, for base years
27 beginning on or after January 1, 2014.

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

LSB 5262YH (4) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2304

1 property taxes paid or rent constituting property taxes paid
2 ranging from 25 percent to 100 percent determined by income
3 thresholds ranging from \$0 to \$16,499.99. Since 1999, those
4 income thresholds have been indexed for inflation.

5 This bill establishes new elderly and disabled credit amount
6 schedules for claimants based in part on whether they are a
7 single-person household or married. In addition, the bill
8 increases the income thresholds for the credit amounts. For
9 a claimant who is a single-person household, the credit is a
10 percentage of property taxes paid or rent constituting property
11 taxes paid ranging from 25 percent to 100 percent determined by
12 income thresholds ranging from \$0 to \$33,499.99. For claimants
13 who are married, the credit is a percentage of property taxes
14 paid or rent constituting property taxes paid ranging from 25
15 percent to 100 percent determined by income thresholds ranging
16 from \$0 to \$39,499.99.

17 Current Code chapter 425 also establishes a similar property
18 tax credit or reimbursement for rent constituting property
19 taxes paid for persons who are 23 years or older or who are
20 a head of household, but who have not attained the age of 65
21 or incurred the requisite disability status. The provision
22 of these credits is triggered by an appropriation to and
23 payment from the low-income tax credit and reimbursement fund
24 established in Code section 425.40. An appropriation to this
25 fund has not occurred since the fund's creation.

26 The bill makes similar changes to the credit schedules and
27 eligibility for the credits and reimbursement specified by law
28 to be paid from the low-income tax credit and reimbursement
29 fund under Code section 425.40.

30 The bill provides for an inflationary adjustment to the new
31 income threshold amounts established in the bill.

32 As a result of modifying the income threshold amounts, the
33 bill makes corresponding changes to the income limitation
34 eligibility for filing a claim for a special assessment credit
35 under Code section 425.23(3).



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2304

1 The bill applies to claims for credit for property taxes due
2 and payable in fiscal years beginning on or after July 1, 2015,
3 and to claims for reimbursement for rent constituting property
4 taxes paid for base years beginning on or after January 1,
5 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2305 - Introduced

HOUSE FILE 2305
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 542)

A BILL FOR

1 An Act relating to the administration of programs by the
2 economic development authority by modifying the high quality
3 jobs program, creating a workforce housing tax incentives
4 program and making penalties applicable, and repealing the
5 enterprise zone program, and including effective date and
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5320HV (2) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 DIVISION I
2 HIGH QUALITY JOBS PROGRAM
3 Section 1. Section 15.327, Code 2014, is amended by adding
4 the following new subsections:
5 NEW SUBSECTION. 3A. "*Brownfield site*" means the same as
6 defined in section 15.291.
7 NEW SUBSECTION. 12A. "*Grayfield site*" means the same as
8 defined in section 15.291.
9 NEW SUBSECTION. 17A. "*Project*" means an activity or set
10 of activities directly related to the start-up, location,
11 modernization, or expansion of a business, and proposed
12 in an application by a business, that will result in the
13 accomplishment of the goals of the program.
14 Sec. 2. Section 15.327, subsection 18, Code 2014, is amended
15 to read as follows:
16 18. "*Project completion assistance*" means financial
17 assistance or technical assistance provided to an eligible
18 business in order to facilitate the ~~start-up, location, or~~
19 ~~expansion of the business~~ completion of a project in this state
20 and provided in an expedient manner to ensure the successful
21 completion of the ~~start-up, location, or expansion~~ project.
22 Sec. 3. Section 15.329, subsection 1, paragraph a, Code
23 2014, is amended to read as follows:
24 a. If the qualifying investment is ten million dollars or
25 more, the community has approved by ordinance or resolution the
26 ~~start-up, location, or expansion of the business~~ project for
27 the purpose of receiving the benefits of this part.
28 Sec. 4. Section 15.331A, subsection 1, Code 2014, is amended
29 to read as follows:
30 1. The eligible business shall be entitled to a refund
31 of the sales and use taxes paid under chapter 423 for gas,
32 electricity, water, or sewer utility services, goods, wares, or
33 merchandise, or on services rendered, furnished, or performed
34 to or for a contractor or subcontractor and used in the
35 fulfillment of a written contract relating to the construction



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 or equipping of a facility that is part of a project of the
2 eligible business. Taxes attributable to intangible property
3 and furniture and furnishings shall not be refunded. However,
4 an eligible business shall be entitled to a refund for taxes
5 attributable to racks, shelving, and conveyor equipment to be
6 used in a warehouse or distribution center subject to section
7 15.331C.

8 Sec. 5. Section 15.332, subsection 1, Code 2014, is amended
9 to read as follows:

10 1. The community may exempt from taxation all or a portion
11 of the actual value added by improvements to real property
12 directly related to new jobs created by the ~~location or~~
13 ~~expansion of an eligible business under the program project~~
14 and used in the operations of the eligible business. The
15 exemption may be allowed for a period not to exceed twenty
16 years beginning the year the improvements are first assessed
17 for taxation.

18 Sec. 6. Section 15.333, subsection 1, Code 2014, is amended
19 to read as follows:

20 1. An eligible business may claim a tax credit equal to a
21 percentage of the new investment directly related to new jobs
22 created or retained by the ~~location or expansion of an eligible~~
23 ~~business under the program project~~. The tax credit shall be
24 amortized equally over five calendar years. The tax credit
25 shall be allowed against taxes imposed under chapter 422,
26 division II, III, or V, and against the moneys and credits tax
27 imposed in section 533.329. If the business is a partnership,
28 S corporation, limited liability company, cooperative organized
29 under chapter 501 and filing as a partnership for federal tax
30 purposes, or estate or trust electing to have the income taxed
31 directly to the individual, an individual may claim the tax
32 credit allowed. The amount claimed by the individual shall
33 be based upon the pro rata share of the individual's earnings
34 of the partnership, S corporation, limited liability company,
35 cooperative organized under chapter 501 and filing as a



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 partnership for federal tax purposes, or estate or trust. The
2 percentage shall be determined as provided in section 15.335A.
3 Any tax credit in excess of the tax liability for the tax year
4 may be credited to the tax liability for the following seven
5 years or until depleted, whichever occurs first.

6 Sec. 7. Section 15.333, subsection 2, unnumbered paragraph
7 1, Code 2014, is amended to read as follows:

8 For purposes of this subsection, *"new investment directly*
9 *related to new jobs created by the location or expansion of an*
10 *eligible business under the program project"* means the cost
11 of machinery and equipment, as defined in section 427A.1,
12 subsection 1, paragraphs "e" and "j", purchased for use in
13 the operation of the eligible business, the purchase price
14 of which has been depreciated in accordance with generally
15 accepted accounting principles, the purchase price of real
16 property and any buildings and structures located on the real
17 property, and the cost of improvements made to real property
18 which is used in the operation of the eligible business. *"New*
19 *investment directly related to new jobs created by the location*
20 *or expansion of an eligible business under the program project"*
21 also means the annual base rent paid to a third-party developer
22 by an eligible business for a period not to exceed ten years,
23 provided the cumulative cost of the base rent payments for that
24 period does not exceed the cost of the land and the third-party
25 developer's costs to build or renovate the building for the
26 eligible business. The eligible business shall enter into a
27 lease agreement with the third-party developer for a minimum
28 of five years. If, however, within five years of purchase,
29 the eligible business sells, disposes of, razes, or otherwise
30 renders unusable all or a part of the land, buildings, or other
31 existing structures for which tax credit was claimed under this
32 section, the tax liability of the eligible business for the
33 year in which all or part of the property is sold, disposed of,
34 razed, or otherwise rendered unusable shall be increased by one
35 of the following amounts:

LSB 5320HV (2) 85

-3-

mm/sc

3/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 Sec. 8. Section 15.333A, subsection 1, Code 2014, is amended
2 to read as follows:

3 1. An eligible business may claim an insurance premium tax
4 credit equal to a percentage of the new investment directly
5 related to new jobs created by the ~~location or expansion of an~~
6 ~~eligible business under the program project~~. The tax credit
7 shall be amortized equally over a five-year period. The tax
8 credit shall be allowed against taxes imposed in chapter 432.
9 A tax credit in excess of the tax liability for the tax year may
10 be credited to the tax liability for the following seven years
11 or until depleted, whichever occurs first. The percentage
12 shall be determined as provided in section 15.335A.

13 Sec. 9. Section 15.333A, subsection 2, unnumbered paragraph
14 1, Code 2014, is amended to read as follows:

15 For purposes of this section, *"new investment directly*
16 *related to new jobs created by the ~~location or expansion of an~~*
17 *~~eligible business under the program project~~"* means the cost
18 of machinery and equipment, as defined in section 427A.1,
19 subsection 1, paragraphs "e" and "j", purchased for use in
20 the operation of the eligible business, the purchase price
21 of which has been depreciated in accordance with generally
22 accepted accounting principles, the purchase price of real
23 property and any buildings and structures located on the real
24 property, and the cost of improvements made to real property
25 which is used in the operation of the eligible business. *"New*
26 *investment directly related to new jobs created by the ~~location~~*
27 *~~or expansion of an eligible business under the program project~~"*
28 also means the annual base rent paid to a third-party developer
29 by an eligible business for a period not to exceed ten years,
30 provided the cumulative cost of the base rent payments for that
31 period does not exceed the cost of the land and the third-party
32 developer's costs to build or renovate the building for the
33 eligible business. The eligible business shall enter into a
34 lease agreement with the third-party developer for a minimum
35 of five years. If, however, within five years of purchase,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 the eligible business sells, disposes of, razes, or otherwise
2 renders unusable all or a part of the land, buildings, or other
3 existing structures for which tax credit was claimed under this
4 section, the tax liability of the eligible business for the
5 year in which all or part of the property is sold, disposed of,
6 razed, or otherwise rendered unusable shall be increased by one
7 of the following amounts:

8 Sec. 10. Section 15.335C, Code 2014, is amended to read as
9 follows:

10 15.335C Economically Wage thresholds for brownfield and
11 grayfield projects and economically distressed areas.

12 1. a. Notwithstanding section 15.329, subsection 1,
13 paragraph "c", the authority may provide tax incentives or
14 project completion assistance under this part to ~~an eligible~~
15 a business paying for a project that will create or retain
16 jobs that will pay less than one hundred twenty percent of the
17 qualifying wage threshold if that business project is located
18 at a brownfield site, a grayfield site, or in an economically
19 distressed area.

20 b. (1) A business with a project located in an economically
21 distressed area or at a grayfield site and receiving incentives
22 or assistance pursuant to this section shall be required to pay
23 at least one hundred percent of the qualifying wage threshold
24 for jobs created or retained by the project.

25 (2) A business with a project located at a brownfield
26 site and receiving incentives or assistance pursuant to this
27 section shall be required to pay at least ninety percent of the
28 qualifying wage threshold for jobs created or retained by the
29 project.

30 2. For purposes of this section, "*economically distressed*
31 *area*" means a county that ranks among the bottom ~~twenty-five~~
32 thirty-three of all Iowa counties, as measured by one of the
33 following:

34 a. Average monthly unemployment level for the most recent
35 twelve-month period.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 **b.** Average annualized unemployment level for the most recent
2 five-year period.

3 Sec. 11. APPLICABILITY. This division of this Act applies
4 to high quality jobs program agreements entered into by an
5 eligible business and the economic development authority on or
6 after the effective date of this division of this Act, and high
7 quality jobs program agreements entered into by an eligible
8 business and the economic development authority prior to the
9 effective date of this division of this Act shall be governed
10 by sections 15.327, 15.329, 15.333, 15.333A, and 15.335C, Code
11 2014.

12 DIVISION II

13 WORKFORCE HOUSING TAX INCENTIVES PROGRAM

14 Sec. 12. Section 15.119, subsection 2, Code 2014, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. **g.** The workforce housing tax incentives
17 program administered pursuant to sections 15.351 through
18 15.356. In allocating tax credits pursuant to this subsection,
19 the authority shall not allocate more than twenty million
20 dollars for purposes of this paragraph.

21 Sec. 13. NEW SECTION. **15.351 Short title.**

22 This part shall be known and may be cited as the "*Workforce*
23 *Housing Tax Incentives Program*".

24 Sec. 14. NEW SECTION. **15.352 Definitions.**

25 As used in this part, unless the context otherwise requires:

26 1. "*Brownfield site*" means an abandoned, idled, or
27 underutilized property where expansion or redevelopment is
28 complicated by real or perceived environmental contamination.
29 A brownfield site includes property contiguous with the site
30 on which the property is located. A brownfield site does
31 not include property which has been placed, or is proposed
32 for placement, on the national priorities list established
33 pursuant to the federal Comprehensive Environmental Response,
34 Compensation, and Liability Act, 42 U.S.C. §9601 et seq.

35 2. "*Community*" means a city or county.

LSB 5320HV (2) 85

-6-

mm/sc

6/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

- 1 3. *"Grayfield site"* means a property meeting all of the
2 following requirements:
- 3 a. The property has been developed and has infrastructure in
4 place but the property's current use is outdated or prevents a
5 better or more efficient use of the property. Such property
6 includes vacant, blighted, obsolete, or otherwise underutilized
7 property.
- 8 b. The property's improvements and infrastructure are at
9 least twenty-five years old and one or more of the following
10 conditions exists:
- 11 (1) Thirty percent or more of a building located on the
12 property that is available for occupancy has been vacant or
13 unoccupied for a period of twelve months or more.
- 14 (2) The assessed value of the improvements on the property
15 has decreased by twenty-five percent or more.
- 16 (3) The property is currently being used as a parking lot.
- 17 (4) The improvements on the property no longer exist.
- 18 4. *"Housing business"* means a business that is a housing
19 developer, housing contractor, or nonprofit organization that
20 completes a housing project in the state.
- 21 5. *"Housing project"* means a project located in this state
22 meeting the requirements of section 15.353.
- 23 6. *"Multi-use building"* means a building whose street-level
24 ground story is used for a purpose that is other than
25 residential, and whose upper story or stories are currently
26 used for a residential purpose, or will be used for a
27 residential purpose after completion of the housing project
28 associated with the building.
- 29 7. *"Program"* means the workforce housing tax incentives
30 program administered under this part.
- 31 8. a. *"Qualifying new investment"* means costs that are
32 directly related to the acquisition, repair, rehabilitation, or
33 redevelopment of a housing project in this state.
- 34 b. *"Qualifying new investment"* includes costs that are
35 directly related to new construction of dwelling units if the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 new construction occurs in a distressed workforce housing
2 community.

3 *c.* The amount of costs that may be used to compute
4 "*qualifying new investment*" shall not exceed the costs used for
5 the first one hundred fifty thousand dollars of value for each
6 dwelling unit that is part of a housing project.

7 *d.* "*Qualifying new investment*" does not include the
8 following:

9 (1) The portion of the total cost of a housing project
10 that is financed by federal, state, or local government tax
11 credits, grants, forgivable loans, or other forms of financial
12 assistance that do not require repayment, excluding the tax
13 incentives provided under this part.

14 (2) If a housing project includes the rehabilitation,
15 repair, or redevelopment of an existing multi-use building,
16 the portion of the total acquisition costs of the multi-use
17 building, including a proportionate share of the total
18 acquisition costs of the land upon which the multi-use building
19 is situated, that are attributable to the street-level
20 ground story that is used for a purpose that is other than
21 residential.

22 Sec. 15. NEW SECTION. 15.353 **Housing project requirements.**

23 1. To receive workforce housing tax incentives pursuant to
24 the program, a proposed housing project shall meet all of the
25 following requirements:

26 *a.* The project includes at least one of the following:

27 (1) Four or more single-family dwelling units.

28 (2) One or more multiple dwelling unit buildings each
29 containing three or more individual dwelling units.

30 (3) Two or more dwelling units located in the upper story of
31 an existing multi-use building.

32 *b.* The project consists of any of the following:

33 (1) The rehabilitation, repair, or redevelopment of
34 dwelling units at a brownfield or grayfield site.

35 (2) The rehabilitation, repair, or redevelopment of



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 dilapidated dwelling units.

2 (3) The rehabilitation, repair, or redevelopment of
3 dwelling units located in the upper story of an existing
4 multi-use building.

5 (4) (a) The new construction, rehabilitation, repair,
6 or redevelopment of dwelling units in a distressed workforce
7 housing community.

8 (b) The determination as to whether a community is
9 considered a distressed workforce housing community shall be
10 within the discretion of the authority after considering all
11 of the following:

12 (i) Whether or not the community has a severe housing
13 shortage relative to demand, low vacancy rates, or rising
14 housing costs combined with low unemployment.

15 (ii) The relative merits of all applications for
16 designation as a distressed workforce housing community.

17 (iii) The demand for projects applying under this
18 subparagraph compared to the demand for projects applying under
19 subparagraphs (1) through (3).

20 c. (1) Except as provided in subparagraph (2), the average
21 dwelling unit cost does not exceed two hundred thousand dollars
22 per dwelling unit.

23 (2) The average dwelling unit cost does not exceed two
24 hundred fifty thousand dollars per dwelling unit if the
25 project involves the rehabilitation, repair, redevelopment, or
26 preservation of eligible property, as that term is defined in
27 section 404A.1, subsection 2.

28 d. The dwelling units, when completed and made available
29 for occupancy, meet the United States department of housing
30 and urban development's housing quality standards and all
31 applicable local safety standards.

32 Sec. 16. NEW SECTION. 15.354 Housing project application
33 and agreement.

34 1. *Application.*

35 a. A housing business seeking workforce housing tax



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 incentives provided in section 15.355 shall make application to
2 the authority in the manner prescribed by the authority. The
3 authority may accept applications on a continuous basis.

4 **b.** The application shall include all of the following:

5 (1) The following information establishing local
6 participation for the housing project:

7 (a) A resolution in support of the housing project by the
8 community where the housing project will be located.

9 (b) Documentation of local matching funds pledged for the
10 housing project in an amount equal to at least one thousand
11 dollars per dwelling unit, including but not limited to
12 a funding agreement between the housing business and the
13 community where the housing project will be located. For
14 purposes of this paragraph, local matching funds shall be in
15 the form of cash or cash equivalents, or in the form of a local
16 property tax exemption, rebate, refund, or reimbursement.

17 (2) A report that meets the requirements and conditions of
18 section 15.330, subsection 9.

19 (3) Information showing the total costs and funding sources
20 of the housing project sufficient to allow the authority to
21 adequately determine the financing that will be utilized for
22 the housing project, the actual cost of the dwelling units, and
23 the amount of qualifying new investment.

24 (4) Any other information deemed necessary by the authority
25 to evaluate the eligibility and financial need of the housing
26 project under the program.

27 **2. Registration.**

28 **a.** Upon review of the application, the authority may
29 register the housing project under the program. If the
30 authority registers the housing project, the authority shall
31 make a preliminary determination as to the amount of tax
32 incentives for which the housing project qualifies.

33 **b.** After registering the housing project, the authority
34 shall notify the housing business of successful registration
35 under the program. The notification shall include the amount

LSB 5320HV (2) 85

-10-

mm/sc

10/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 of tax incentives under section 15.355 for which the housing
2 business has received preliminary approval and a statement
3 that the amount is a preliminary determination only. The
4 amount of tax credits included on a tax credit certificate
5 issued pursuant to this section, or a claim for refund of sales
6 and use taxes, shall be contingent upon completion of the
7 requirements in subsection 3.

8 3. *Agreement and fees.*

9 a. Upon successful registration of the housing project,
10 the housing business shall enter into an agreement with the
11 authority for the successful completion of all requirements of
12 the program.

13 b. The compliance cost fees imposed in section 15.330,
14 subsection 12, shall apply to all agreements entered into
15 under this program and shall be collected by the authority in
16 the same manner and to the same extent as described in that
17 subsection.

18 c. A housing business shall complete its housing project
19 within three years from the date the housing project is
20 registered by the authority.

21 d. Upon completion of a housing project, an audit of
22 the project, completed by an independent certified public
23 accountant licensed in this state, shall be submitted to the
24 authority.

25 e. Upon review of the audit and verification of the amount
26 of the qualifying new investment, the authority may issue a tax
27 credit certificate to the housing business stating the amount
28 of workforce housing investment tax credits under section
29 15.355 the eligible housing business may claim.

30 4. *Maximum tax incentives amount.*

31 a. The maximum aggregate amount of tax incentives that may
32 be awarded under section 15.355 to a housing business for a
33 housing project shall not exceed one million dollars.

34 b. If a housing business qualifies for a higher amount
35 of tax incentives under section 15.355 than is allowed by

LSB 5320HV (2) 85

-11-

mm/sc

11/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 the limitation imposed in paragraph "a", the authority and
2 the housing business may negotiate an apportionment of the
3 reduction in tax incentives between the sales tax refund
4 provided in section 15.355, subsection 2, and the workforce
5 housing investment tax credits provided in section 15.355,
6 subsection 3, provided the total aggregate amount of tax
7 incentives after the apportioned reduction does not exceed the
8 amount in paragraph "a".

9 c. The authority shall issue tax incentives under the
10 program on a first-come, first-served basis until the maximum
11 amount of tax incentives allocated pursuant to section 15.119,
12 subsection 2, is reached. The authority shall maintain a list
13 of registered housing projects under the program so that if
14 the maximum aggregate amount of tax incentives is reached in
15 a given fiscal year, registered housing projects that were
16 completed but for which tax incentives were not issued shall
17 be placed on a wait list in the order the registered housing
18 projects were registered and shall be given priority for
19 receiving tax incentives in succeeding fiscal years.

20 5. *Termination and repayment.* The failure by a housing
21 business in completing a housing project to comply with any
22 requirement of this program or any of the terms and obligations
23 of an agreement entered into pursuant to this section may
24 result in the reduction, termination, or rescission of the
25 approved tax incentives and may subject the housing business
26 to the repayment or recapture of tax incentives claimed under
27 section 15.355. The repayment or recapture of tax incentives
28 pursuant to this section shall be accomplished in the same
29 manner as provided in section 15.330, subsection 2.

30 Sec. 17. NEW SECTION. 15.355 Workforce housing tax
31 incentives.

32 1. A housing business that has entered into an agreement
33 pursuant to section 15.354 is eligible to receive the tax
34 incentives described in subsections 2 and 3.

35 2. A housing business may claim a refund of the sales and



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 use taxes paid under chapter 423 that are directly related
2 to a housing project. The refund available pursuant to this
3 subsection shall be as provided in section 15.331A to the
4 extent applicable for purposes of this program.

5 3. a. A housing business may claim a tax credit in
6 an amount not to exceed ten percent of the qualifying new
7 investment of a housing project.

8 b. The tax credit shall be allowed against the taxes imposed
9 in chapter 422, divisions II, III, and V, and in chapter 432,
10 and against the moneys and credits tax imposed in section
11 533.329.

12 c. An individual may claim a tax credit under this
13 subsection of a partnership, limited liability company,
14 S corporation, estate, or trust electing to have income
15 taxed directly to the individual. The amount claimed by the
16 individual shall be based upon the pro rata share of the
17 individual's earnings from the partnership, limited liability
18 company, S corporation, estate, or trust.

19 d. Any tax credit in excess of the taxpayer's liability
20 for the tax year is not refundable but may be credited to the
21 tax liability for the following five years or until depleted,
22 whichever is earlier.

23 e. (1) To claim a tax credit under this subsection, a
24 taxpayer shall include one or more tax credit certificates with
25 the taxpayer's tax return.

26 (2) The tax credit certificate shall contain the taxpayer's
27 name, address, tax identification number, the amount of the
28 credit, the name of the eligible housing business, any other
29 information required by the department of revenue, and a place
30 for the name and tax identification number of a transferee and
31 the amount of the tax credit being transferred.

32 (3) The tax credit certificate, unless rescinded by the
33 authority, shall be accepted by the department of revenue as
34 payment for taxes imposed pursuant to chapter 422, divisions
35 II, III, and V, and in chapter 432, and for the moneys and

LSB 5320HV (2) 85

-13-

mm/sc

13/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 credits tax imposed in section 533.329, subject to any
2 conditions or restrictions placed by the authority upon
3 the face of the tax credit certificate and subject to the
4 limitations of this program.

5 (4) Tax credit certificates issued under section 15.354,
6 subsection 3, paragraph "e", may be transferred to any person.
7 Within ninety days of transfer, the transferee shall submit the
8 transferred tax credit certificate to the department of revenue
9 along with a statement containing the transferee's name, tax
10 identification number, and address, the denomination that each
11 replacement tax credit certificate is to carry, and any other
12 information required by the department of revenue. However,
13 tax credit certificate amounts of less than the minimum amount
14 established by rule of the authority shall not be transferable.

15 (5) Within thirty days of receiving the transferred
16 tax credit certificate and the transferee's statement, the
17 department of revenue shall issue one or more replacement tax
18 credit certificates to the transferee. Each replacement tax
19 credit certificate must contain the information required for
20 the original tax credit certificate and must have the same
21 expiration date that appeared on the transferred tax credit
22 certificate.

23 (6) A tax credit shall not be claimed by a transferee
24 under this section until a replacement tax credit certificate
25 identifying the transferee as the proper holder has been
26 issued. The transferee may use the amount of the tax credit
27 transferred against the taxes imposed in chapter 422, divisions
28 II, III, and V, and in chapter 432, and against the moneys and
29 credits tax imposed in section 533.329, for any tax year the
30 original transferor could have claimed the tax credit. Any
31 consideration received for the transfer of the tax credit shall
32 not be included as income under chapter 422, divisions II,
33 III, and V. Any consideration paid for the transfer of the tax
34 credit shall not be deducted from income under chapter 422,
35 divisions II, III, and V.

LSB 5320HV (2) 85

-14-

mm/sc

14/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 *f.* For purposes of the individual and corporate income
2 taxes and the franchise tax, the increase in the basis of the
3 property that would otherwise result from the qualifying new
4 investment shall be reduced by the amount of the tax credit
5 computed under this subsection.

6 Sec. 18. NEW SECTION. **15.356 Rules.**

7 The authority and the department of revenue shall adopt
8 rules as necessary for the implementation and administration
9 of this part.

10 Sec. 19. NEW SECTION. **422.11C Workforce housing investment**
11 **tax credit.**

12 The taxes imposed under this division, less the credits
13 allowed under section 422.12, shall be reduced by a workforce
14 housing investment tax credit allowed under section 15.355,
15 subsection 3.

16 Sec. 20. Section 422.33, Code 2014, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 15. The taxes imposed under this division
19 shall be reduced by a workforce housing investment tax credit
20 allowed under section 15.355, subsection 3.

21 Sec. 21. Section 422.60, Code 2014, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 12. The taxes imposed under this division
24 shall be reduced by a workforce housing investment tax credit
25 allowed under section 15.355, subsection 3.

26 Sec. 22. NEW SECTION. **432.12G Workforce housing investment**
27 **tax credit.**

28 The taxes imposed under this chapter shall be reduced by a
29 workforce housing investment tax credit allowed under section
30 15.355, subsection 3.

31 Sec. 23. Section 533.329, subsection 2, Code 2014, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. *k.* The moneys and credits tax imposed under
34 this section shall be reduced by a workforce housing investment
35 tax credit allowed under section 15.355, subsection 3.

LSB 5320HV (2) 85

-15-

mm/sc

15/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 DIVISION III
2 TERMINATION AND TRANSITION OF ENTERPRISE ZONE PROGRAM
3 Sec. 24. INVESTMENT TAX CREDITS ISSUED TO ELIGIBLE
4 HOUSING BUSINESSES UNDER THE ENTERPRISE ZONE PROGRAM —
5 TRANSFERABILITY. Notwithstanding the requirement in section
6 15E.193B, subsection 8, Code 2014, that not more than three
7 million dollars worth of tax credits for housing developments
8 located in a brownfield site or a blighted area shall be
9 eligible for transfer in a calendar year unless the eligible
10 housing business is also eligible for low-income housing tax
11 credits authorized under section 42 of the Internal Revenue
12 Code, and notwithstanding the requirement in section 15E.193B,
13 subsection 8, Code 2014, that the economic development
14 authority shall not approve more than one million five hundred
15 thousand dollars in tax credit certificates for transfer to
16 any one eligible housing business located on a brownfield
17 site or in a blighted area in a calendar year, all investment
18 tax credits determined under section 15E.193B, subsection 6,
19 paragraph "a", Code 2014, for housing developments located on
20 a brownfield site or in a blighted area may be approved by
21 the economic development authority for transfer in calendar
22 year 2014, or any subsequent calendar year, provided the
23 eligible housing business was awarded the investment tax credit
24 before the effective date of this section of this division
25 of this Act and notifies the economic development authority,
26 in writing, before July 1, 2014, of its intent to transfer
27 such tax credits, and provided the eligible housing business
28 and the related housing development meet all other applicable
29 requirements under section 15E.193B, Code 2014.
30 Sec. 25. Section 2.48, subsection 3, paragraph e,
31 subparagraph (9), Code 2014, is amended by striking the
32 subparagraph.
33 Sec. 26. Section 15.106B, subsection 5, paragraph c, Code
34 2014, is amended to read as follows:
35 c. Fees collected by the authority pursuant to this

LSB 5320HV (2) 85

-16-

mm/sc

16/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 subsection shall be deposited in a fund within the state
2 treasury created pursuant to section 15.106A, subsection 1,
3 paragraph "o", and are appropriated to the authority for the
4 purposes set out in section 15.106A, subsection 1, paragraph
5 "o". However, fees collected by the authority pursuant to
6 section 15.330, subsection 12, ~~and section 15E.198, Code 2014,~~
7 and section 15.354, subsection 3, paragraph "b", shall be used
8 exclusively for costs associated with the administration of due
9 diligence and compliance.

10 Sec. 27. Section 15.119, subsection 2, paragraph b, Code
11 2014, is amended to read as follows:

12 b. The enterprise zones program administered pursuant to
13 sections 15E.191 through 15E.197, Code 2014.

14 Sec. 28. Section 15A.1, subsection 5, paragraph c, Code
15 2014, is amended by striking the paragraph.

16 Sec. 29. Section 15H.5, subsection 2, Code 2014, is amended
17 to read as follows:

18 2. The Iowa summer youth corps program is established
19 to provide meaningful summer enrichment programming to
20 Iowa youth. The program shall be administered by the Iowa
21 commission on volunteer service using a competitive grant
22 process to implement projects in accordance with program
23 requirements. The commission shall adopt administrative rules
24 for the program, including but not limited to incentives, grant
25 criteria, and grantee selection processes. A percentage of the
26 grants shall be designated by the commission to address the
27 needs of ~~city enterprise zones that meet the distress criteria~~
28 ~~outlined in section 15E.194~~ economically distressed areas as
29 defined in section 15.335C.

30 Sec. 30. Section 15H.5, subsection 5, paragraph c, Code
31 2014, is amended to read as follows:

32 c. The commission shall give priority consideration to
33 approving those projects that target communities that have
34 disproportionately high rates of juvenile crime or low rates
35 of high school graduation or that have been designated as ~~city~~

LSB 5320HV (2) 85

-17-

mm/sc

17/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 ~~enterprise zones that meet the distress criteria outlined in~~
2 ~~section 15E.194~~ economically distressed areas as defined in
3 section 15.335C.

4 Sec. 31. Section 15J.4, subsection 1, paragraph b, Code
5 2014, is amended to read as follows:

6 b. The area ~~is~~ was in whole or in part ~~either an a~~
7 designated economic development enterprise zone ~~designated~~
8 under chapter 15E, division XVIII, Code 2014, immediately prior
9 to the effective date of this Act, or the area is in whole or in
10 part an urban renewal area established pursuant to chapter 403.

11 Sec. 32. Section 403.19A, subsection 3, paragraph j, Code
12 2014, is amended to read as follows:

13 j. An employer may participate in a new jobs credit from
14 withholding under section 260E.5, or a supplemental new jobs
15 credit from withholding under section 15E.197, Code 2014,
16 or under section 15.331, Code 2005, at the same time as the
17 employer is participating in the withholding credit under this
18 section. Notwithstanding any other provision in this section,
19 the new jobs credit from withholding under section 260E.5, and
20 the supplemental new jobs credit from withholding under section
21 15E.197, Code 2014, or under section 15.331, Code 2005, shall
22 be collected and disbursed prior to the withholding credit
23 under this section.

24 Sec. 33. Section 422.11F, subsection 2, Code 2014, is
25 amended to read as follows:

26 2. The taxes imposed under this division, less the credits
27 allowed under section 422.12, shall be reduced by investment
28 tax credits authorized pursuant to ~~sections~~ section 15.333 and
29 section 15E.193B, subsection 6, Code 2014.

30 Sec. 34. Section 422.16A, Code 2014, is amended to read as
31 follows:

32 **422.16A Job training withholding — certification and**
33 **transfer.**

34 Upon the completion by a business of its repayment
35 obligation for a training project funded under chapter 260E,

LSB 5320HV (2) 85

-18-

mm/sc

18/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 including a job training project funded under section 15A.8
2 or repaid in whole or in part by the supplemental new jobs
3 credit from withholding under section 15A.7 or section 15E.197,
4 Code 2014, the sponsoring community college shall report to
5 the economic development authority the amount of withholding
6 paid by the business to the community college during the
7 final twelve months of withholding payments. The economic
8 development authority shall notify the department of revenue
9 of that amount. The department shall credit to the workforce
10 development fund account established in section 15.342A
11 twenty-five percent of that amount each quarter for a period
12 of ten years. If the amount of withholding from the business
13 or employer is insufficient, the department shall prorate the
14 quarterly amount credited to the workforce development fund
15 account. The maximum amount from all employers which shall be
16 transferred to the workforce development fund account in any
17 year is four million dollars.

18 Sec. 35. Section 422.33, subsection 12, paragraph b, Code
19 2014, is amended to read as follows:

20 b. The taxes imposed under this division shall be reduced by
21 investment tax credits authorized pursuant to section 15.333
22 and section 15E.193B, subsection 6, Code 2014.

23 Sec. 36. Section 422.60, subsection 5, paragraph b, Code
24 2014, is amended to read as follows:

25 b. The taxes imposed under this division shall be reduced by
26 investment tax credits authorized pursuant to sections 15.333
27 and 15E.193B, subsection 6, Code 2014.

28 Sec. 37. Section 432.12C, subsection 2, Code 2014, is
29 amended to read as follows:

30 2. The taxes imposed under this chapter shall be reduced by
31 investment tax credits authorized pursuant to section 15.333A
32 and section 15E.193B, subsection 6, Code 2014.

33 Sec. 38. REPEAL. Sections 15E.191, 15E.192, 15E.193,
34 15E.193B, 15E.194, 15E.195, 15E.196, 15E.197, and 15E.198, Code
35 2014, are repealed.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 Sec. 39. EFFECTIVE UPON ENACTMENT. The following provision
2 or provisions of this division of this Act, being deemed of
3 immediate importance, take effect upon enactment:

4 1. The section of this division of this Act allowing
5 the transfer of certain investment tax credits issued to
6 eligible housing businesses under the enterprise zone program,
7 notwithstanding the requirements limiting transfer of such
8 credits under section 15E.193B, subsection 8.

9 Sec. 40. APPLICABILITY.

10 1. On or after the effective date of this division of this
11 Act, a city or county shall not create an enterprise zone under
12 chapter 15E, division XVIII, or enter into a new agreement or
13 amend an existing agreement under chapter 15E, division XVIII.

14 2. a. Agreements entered into under chapter 15E, division
15 XVIII before the effective date of this division of this
16 Act between an eligible business and a city, county, or
17 the economic development authority or between an eligible
18 business and the department of revenue and a community college
19 or between an eligible housing business and the economic
20 development authority shall remain in effect until they expire
21 under their own terms and except as otherwise provided in this
22 division of this Act, such agreements shall be governed by
23 chapter 15E, division XVIII, Code 2014.

24 b. The elimination of the enterprise zone program under this
25 Act shall not constitute grounds for rescission or modification
26 of agreements entered into under the program, except as
27 otherwise provided in this division of this Act.

28 3. Except as otherwise provided in this division of this
29 Act, this division of this Act is not intended to and shall not
30 limit, modify, or otherwise adversely affect any tax credit
31 certificate or related tax credit issued before the effective
32 date of this Act or limit, modify, or otherwise adversely
33 affect the redemption or transfer of any tax credit or tax
34 credit certificate issued before the effective date of this
35 division of this Act.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill relates to the administration of programs by
5 the economic development authority (EDA) by modifying the
6 high quality jobs program, creating a workforce housing tax
7 incentives program, and repealing the enterprise zone program.

8 DIVISION I — HIGH QUALITY JOBS PROGRAM. Division I modifies
9 the high quality jobs program administered by the EDA. The
10 division adds a definition for "project" for purposes of the
11 program and strikes language that references the start-up,
12 location, or expansion of an eligible business, and replaces
13 it with reference to a "project". "Project" is defined as an
14 activity or set of activities directly related to the start-up,
15 location, modernization, or expansion of a business, and
16 proposed in an application by a business, that will result in
17 the accomplishment of the goals of the program.

18 The division amends the requirements for claiming the sales
19 and use tax refund under the program for the construction or
20 equipping of a facility of the eligible business to require
21 that the facility also be part of a project.

22 The division modifies the type of projects that will qualify
23 for tax incentives or project completion assistance under
24 the program. Under current law, the EDA only provides tax
25 incentives or project completion assistance to businesses
26 creating jobs if the business will pay at least 120 percent of
27 the qualifying wage threshold, unless the business is located
28 in an economically distressed area, in which case the business
29 must pay at least 100 percent of the qualifying wage threshold.
30 Economically distressed areas include the 25 lowest-ranked Iowa
31 counties by average monthly or annual unemployment.

32 The division amends the definition of "economically
33 distressed area" by increasing to 33 from 25 the number of Iowa
34 counties that will qualify as an economically distressed area.
35 The division also permits businesses creating or retaining

LSB 5320HV (2) 85

-21-

mm/sc

21/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 jobs as part of a project at a grayfield site or a brownfield
2 site, as currently defined in statute, to qualify for tax
3 incentives or project completion assistance if the business
4 will pay at least 100 percent or 90 percent, respectively, of
5 the qualifying wage threshold.

6 The division applies to high quality jobs program agreements
7 entered into on or after the effective date of the division,
8 and high quality jobs program agreements entered into prior to
9 the effective date of the division shall be governed by current
10 law.

11 DIVISION II — WORKFORCE HOUSING TAX INCENTIVES PROGRAM.

12 Division II creates a workforce housing tax incentives program
13 (program) that will be administered by the EDA and that will
14 provide tax incentives to housing businesses that complete
15 housing projects in the state. A "housing business" means a
16 business that is a housing developer, housing contractor, or
17 nonprofit organization that completes a housing project in the
18 state. In order to qualify for the tax incentives under the
19 program, a housing project must meet several requirements.

20 First, the housing project must consist of a certain type
21 and number of dwelling units. The project must include, at
22 a minimum, four or more single-family dwelling units, one or
23 more multiple dwelling unit buildings that each contain three
24 or more individual dwelling units, or two or more dwelling
25 units located in the upper story of an existing multi-use
26 building. "Multi-use building" is defined as a building
27 whose street-level ground story is used for a purpose that is
28 other than residential, and whose upper story or stories are
29 currently used for a residential purpose, or will be used for
30 a residential purpose after completion of the housing project
31 associated with the building.

32 Second, the housing project must involve a certain type of
33 development in a certain geographic location. The project may
34 involve the rehabilitation, repair, or redevelopment of any
35 dwelling unit if it occurs at a brownfield or grayfield site,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 as those terms are defined in the bill, or in a distressed
2 workforce housing community. The project may involve the
3 rehabilitation, repair, or redevelopment anywhere in the state
4 of a dilapidated dwelling unit or a dwelling unit located in
5 the upper story of an existing multi-use building. The project
6 may involve the new construction of a dwelling unit if it is in
7 a distressed workforce housing community, but shall not include
8 the new construction of a multi-use building.

9 The designation of a community as a distressed workforce
10 housing community shall be within the discretion of the EDA
11 after it considers the merits of all applications for such a
12 designation and the demand for projects in distressed workforce
13 housing communities compared to the demand for all other
14 projects and after considering whether or not a particular
15 community has a severe housing shortage relative to demand,
16 low vacancy rates, or rising housing costs combined with low
17 unemployment. "Community" means a city or county.

18 Third, the average dwelling unit cost of a housing project
19 must not exceed \$200,000 per dwelling unit, or \$250,000 per
20 dwelling unit if the project involves the rehabilitation,
21 repair, redevelopment, or preservation of "eligible property",
22 which means the same as defined for purposes of the historic
23 preservation and cultural and entertainment district tax credit
24 in Code chapter 404A and includes property listed or eligible
25 for listing on the national register of historic places or
26 property designated or eligible for designation as of historic
27 significance to a district listed in the national register of
28 historic places or property or a district designated a local
29 landmark by a city or county ordinance or property that is a
30 barn constructed prior to 1937.

31 Fourth, the dwelling units that are part of the housing
32 project must meet the United States Department of Housing and
33 Urban Development's housing quality standards and applicable
34 local safety standards.

35 A housing business seeking tax incentives for a housing

LSB 5320HV (2) 85

-23-

mm/sc

23/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 project under the program is required to apply to the EDA.
2 The application must include a resolution in support of the
3 housing project by the community where the housing project will
4 be located, documentation of local matching funds pledged of
5 \$1,000 or more per dwelling unit, a funding agreement between
6 the housing business and the community, a report describing all
7 violations of environmental law or worker safety law within the
8 last five years, and any other information deemed necessary by
9 the EDA to evaluate the eligibility and financial need of the
10 housing project under the program. The EDA is not required to
11 accept applications on a continuous basis. Upon review of an
12 application, the EDA may register a housing project under the
13 program. The EDA is required to notify a housing business of
14 successful registration and the amount of tax incentives for
15 which the EDA preliminarily determines it qualifies for. A
16 housing business is then required to enter into an agreement
17 with the EDA for the successful completion of its housing
18 project within three years from the date it was registered by
19 the EDA. A compliance cost fee equal to 0.5 percent of the
20 value of the tax incentives claimed pursuant to an agreement
21 will be imposed upon all agreements with an aggregate tax
22 incentive value of \$100,000 or greater.

23 A housing business that fails to comply with the
24 requirements of the program or the terms of an agreement with
25 the EDA may have its tax incentives reduced, terminated, or
26 rescinded, and may be subject to the repayment or recapture of
27 claimed tax incentives.

28 Upon completion of a registered housing project, a
29 housing business must have its housing project audited by
30 an independent certified public accountant licensed in this
31 state. The EDA will then review the audit, verify the amount
32 of workforce investment tax credits the eligible business may
33 claim, and issue a tax credit certificate for that amount.

34 The maximum amount of tax incentives that may be awarded
35 by the EDA to a housing business for a housing project shall

LSB 5320HV (2) 85

-24-

mm/sc

24/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 not exceed \$1 million. In the event a housing business
2 qualifies for tax incentives in excess of \$1 million, the
3 housing business and EDA may negotiate an apportionment of the
4 reduction between the program's two tax incentives.
5 The program provides two different tax incentives. The
6 first is a refund of the sales and use taxes paid that are
7 directly related to the housing project. The bill provides
8 that the willful making of a false report in connection with
9 the sales and use tax refund is a simple misdemeanor. A simple
10 misdemeanor is punishable by confinement for no more than 30
11 days or a fine of at least \$65 but not more than \$625, or by
12 both. The second is a workforce housing investment tax credit
13 in an amount not to exceed 10 percent of the qualifying new
14 investment of the housing project. "Qualifying new investment"
15 means the costs directly related to the acquisition, repair,
16 rehabilitation, or redevelopment of the housing project.
17 "Qualifying new investment" also includes costs that are
18 directly related to new construction of dwelling units if the
19 new construction occurs in a distressed workforce housing
20 community. However, "qualifying new investment" does not
21 include the portion of the total costs financed by federal,
22 state, or local government tax credits, grants, forgivable
23 loans, or other forms of nonrepayable financial assistance,
24 excluding the tax incentives provided under the program. Also,
25 if the housing project includes the rehabilitation, repair, or
26 redevelopment of an existing multi-use building, "qualifying
27 new investment" does not include the portion of the total
28 acquisition costs of the multi-use building that is used for a
29 purpose that is other than residential.
30 The workforce housing investment tax credit may be claimed
31 against the individual income tax, the corporate income
32 tax, the franchise tax, the insurance companies tax, and the
33 moneys and credits tax. To claim a tax credit, a taxpayer
34 must include a tax credit certificate with the taxpayer's
35 tax return. The credit is nonrefundable but may be credited



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 to the tax liability for five years. The tax credit may
2 be transferred to any person or entity, and the division
3 establishes procedures for the proper transfer of the tax
4 credit. For purposes of the individual and corporate income
5 taxes and the franchise tax, when the tax basis of property is
6 increased as a result of qualifying new investment, that tax
7 basis shall be reduced by the amount of the workforce housing
8 investment tax credit issued under the program.

9 The division provides that the program is part of the EDA's
10 maximum aggregate tax credit cap of \$170 million per fiscal
11 year, and not more than \$20 million per fiscal year may be
12 issued by the EDA under the program. The EDA is required
13 to issue tax incentives under the program on a first-come,
14 first-served basis until the maximum amount of \$20 million
15 per fiscal year is reached. If the amount of tax incentives
16 exceeds this amount in a fiscal year, the EDA is required to
17 establish a wait list and give priority in subsequent years to
18 the registered housing projects on the wait list.

19 The EDA and the department of revenue are required to adopt
20 rules as necessary for the joint administration of the program.

21 DIVISION III — ENTERPRISE ZONE PROGRAM. Division III
22 repeals the enterprise zone program administered by the EDA
23 and makes conforming changes to references in the Code to the
24 enterprise zone program and its corresponding tax incentives.

25 The division amends the distribution criteria for grants and
26 projects under the Iowa summer youth corps program to provide
27 that a percentage of grants, and certain priority consideration
28 for projects, shall be given to economically distressed areas,
29 as defined in Code section 15.335C, instead of enterprise
30 zones.

31 The division amends the qualification that an area be part of
32 an enterprise zone in order to be designated as a reinvestment
33 district under the Iowa reinvestment Act in Code chapter 15J to
34 require that an area be part of an enterprise zone that existed
35 immediately prior to the effective date of the division.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 Under current law, investment tax credits issued to
2 eligible housing businesses under the enterprise zone program
3 are transferrable if the housing development is located on
4 a brownfield site or in a blighted area, or if the housing
5 development is receiving low-income housing tax credits under
6 section 42 of the Internal Revenue Code (IRC). However, under
7 current law, the EDA may not approve for transfer in any one
8 calendar year more than \$3 million worth of such tax credits
9 for those housing projects not receiving low-income housing tax
10 credits under section 42 of the IRC. The division notwithstanding
11 those current Code provisions and permits investment tax
12 credits already issued or that will be issued to an eligible
13 housing business under an existing enterprise zone agreement
14 with the EDA for housing developments located on a brownfield
15 site or in a blighted area to be eligible for transfer in
16 calendar year 2014, or any subsequent calendar year, provided
17 the eligible housing business was awarded the investment tax
18 credit before the effective date of this section of the bill
19 and notifies the authority, in writing, before July 1, 2014, of
20 its intent to transfer such tax credits. This section of the
21 bill takes effect upon enactment.

22 The division prohibits a city or county from creating an
23 enterprise zone, entering into a new enterprise zone agreement,
24 or amending an existing enterprise zone agreement, on or after
25 the effective date of the division.

26 The division provides that existing enterprise zone
27 agreements between an eligible business or an eligible housing
28 business and a city, county, or the EDA, including existing
29 supplemental new jobs credit from withholding agreements
30 between an eligible business and the department of revenue and
31 a community college, shall remain in effect until they expire
32 under their own terms and shall be governed by chapter 15E,
33 division XVIII, Code 2014. The elimination of the enterprise
34 zone program under the division shall not constitute grounds
35 for rescission or modification of enterprise zone agreements.

LSB 5320HV (2) 85

-27-

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27/28



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2305

1 Except as provided in the division, tax credit certificates
2 or related tax credits issued before the effective date of
3 the division are not intended to and shall not be limited,
4 modified, or otherwise adversely affected by the division.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2306 - Introduced

HOUSE FILE 2306
BY RUFF and THOMAS

A BILL FOR

1 An Act making an appropriation for grants to community mental
2 health centers for implementation of electronic health
3 records.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5681HH (4) 85
jp/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2306

1 Section 1. COMMUNITY MENTAL HEALTH CENTERS —
2 IMPLEMENTATION OF ELECTRONIC HEALTH RECORDS.

3 1. There is appropriated from the general fund of the
4 state to the department of human services for the fiscal year
5 beginning July 1, 2014, and ending June 30, 2015, the following
6 amount, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 For the public purpose of providing grants to community
9 mental health centers in accordance with this section:
10 \$ 3,000,000

11 2. The appropriation made in subsection 1 shall be
12 distributed as grants of \$100,000 each to the nonprofit
13 community mental health centers designated by the department
14 under chapter 230A as of January 1, 2014. The grants shall
15 be used by the centers for the costs of implementing an
16 electronic health record system. The electronic health record
17 systems implemented pursuant to a grant under this section
18 shall comply with the electronic health information provisions
19 implemented pursuant to section 135.156 and with the mental
20 health and disabilities services system central data repository
21 implemented pursuant to section 225C.6A and other data
22 requirements under chapter 225C. Each recipient of a grant
23 under this section shall have the electronic health record
24 system fully operational on or before July 1, 2018.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill makes an appropriation from the general fund of the
29 state to the department of human services to provide grants to
30 the nonprofit community mental health centers designated by the
31 department as of January 1, 2014. The amount of each grant is
32 \$100,000 and the grants are to be used by the centers for the
33 costs of implementing an electronic health record system.

34 The electronic health record systems shall be compatible
35 with the electronic health information provisions implemented

LSB 5681HH (4) 85

-1-

jp/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2306

1 pursuant to Code section 135.156 (electronic health information
2 requirements developed by the department of public health) and
3 with the mental health and disabilities services system central
4 data repository implemented pursuant to Code section 225C.6A
5 and other data requirements under Code chapter 225C, relating
6 to such services.

7 Each recipient of a grant is required to have the electronic
8 health record system fully operational on or before July 1,
9 2018.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2307 - Introduced

HOUSE FILE 2307
BY HALL

A BILL FOR

1 An Act relating to a hospital's participation in the state
2 perinatal program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5786YH (1) 85
ad/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2307

1 Section 1. Section 135.11, subsection 28, Code 2014, is
2 amended to read as follows:
3 28. In consultation with the advisory committee for
4 perinatal guidelines, develop and maintain the statewide
5 perinatal program based on the recommendations of the
6 American academy of pediatrics and the American college of
7 obstetricians and gynecologists contained in the most recent
8 edition of the guidelines for perinatal care, and shall
9 adopt rules in accordance with chapter 17A to implement those
10 recommendations. Hospitals within the state shall determine
11 whether to participate in the statewide perinatal program, and
12 select the hospital's level of participation in the program.
13 A hospital having determined to participate in the program
14 shall comply with the guidelines appropriate to the level of
15 participation selected by the hospital. Participation shall
16 include prearranged consultative agreements between two or more
17 hospital perinatal units. Prearranged consultative agreements
18 may include direct care of the patient or utilization of
19 telemedicine or telephone consultation to qualify a hospital
20 for a higher level of participation and a higher reimbursement
21 rate under the medical assistance program. Perinatal program
22 surveys and reports are privileged and confidential and are
23 not subject to discovery, subpoena, or other means of legal
24 compulsion for their release to a person other than the
25 affected hospital, and are not admissible in evidence in a
26 judicial or administrative proceeding other than a proceeding
27 involving verification of the participating hospital under this
28 subsection.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill relates to a hospital's participation in the
33 state's perinatal program. The bill requires participation to
34 include prearranged consultative agreements between hospitals.
35 The bill allows the consultative agreements to include direct

LSB 5786YH (1) 85
ad/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2307

1 care or utilization of telemedicine or telephone consultation
2 for a hospital to qualify for a higher level of participation
3 and a higher rate of reimbursement under the medical assistance
4 program.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2308 - Introduced

HOUSE FILE 2308

BY STECKMAN, RUFF, HALL,
DAWSON, WINCKLER, HUNTER,
MASCHER, HANSON, COHOON,
GAINES, WOOD, ABDUL-SAMAD,
ANDERSON, LENSING, KEARNS,
THEDE, BEARINGER, and
MURPHY

A BILL FOR

- 1 An Act relating to private instruction.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5813YH (3) 85
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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 Section 1. Section 261E.8, subsection 2, Code 2014, is
2 amended to read as follows:

3 2. Students from accredited nonpublic schools and students
4 receiving competent private instruction ~~or independent private~~
5 ~~instruction~~ under chapter 299A may access the program through
6 the school district in which the accredited nonpublic school or
7 private institution is located.

8 Sec. 2. Section 299.1, subsection 1, Code 2014, is amended
9 to read as follows:

10 1. Except as provided in section 299.2, the parent,
11 guardian, or legal or actual custodian of a child who is of
12 compulsory attendance age shall cause the child to attend some
13 public school or an accredited nonpublic school, or place
14 the child under competent private instruction ~~or independent~~
15 ~~private instruction~~ in accordance with the provisions of
16 chapter 299A, during a school year, as defined under section
17 279.10.

18 Sec. 3. Section 299.1B, Code 2014, is amended to read as
19 follows:

20 **299.1B Failure to attend — driver's license.**

21 A person who ~~is of compulsory attendance age who does~~
22 ~~not meet the requirements for an exception under section~~
23 ~~299.2, who~~ does not attend a public school or an accredited
24 nonpublic school, who is not receiving competent private
25 instruction ~~or independent private instruction~~ in accordance
26 with the provisions of chapter 299A, and who does not attend
27 an alternative school or adult education classes, shall not
28 receive an intermediate or full driver's license until age
29 eighteen.

30 Sec. 4. Section 299.4, subsection 1, Code 2014, is amended
31 to read as follows:

32 1. The parent, guardian, or legal custodian of a child who
33 is of compulsory attendance age, who places the child under
34 competent private instruction under either section 299A.2 or
35 299A.3, not in an accredited school or a home school assistance

LSB 5813YH (3) 85

-1-

kh/sc

1/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 program operated by a school district or accredited nonpublic
2 school, shall furnish a report in duplicate on forms provided
3 by the public school district, to the district by the earliest
4 starting date specified in section 279.10, subsection 1. The
5 secretary shall retain and file one copy and forward the other
6 copy to the district's area education agency. The report shall
7 state the name and age of the child, the period of time during
8 which the child has been or will be under competent private
9 instruction for the year, an outline of the course of study,
10 texts used, and the name and address of the instructor. The
11 parent, guardian, or legal custodian of a child, who is placing
12 the child under competent private instruction for the first
13 time, shall also provide the district with evidence that the
14 child has had the immunizations required under section 139A.8,
15 and, if the child is elementary school age, a blood lead test
16 in accordance with section 135.105D. The term "*outline of*
17 *course of study*" shall include subjects covered, lesson plans,
18 and time spent on the areas of study.

19 Sec. 5. Section 299.6A, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. In lieu of a criminal proceeding under section 299.6,
22 a county attorney may bring a civil action against a parent,
23 guardian, or legal or actual custodian of a child who is of
24 compulsory attendance age, has not completed educational
25 requirements, and is truant, if the parent, guardian, or legal
26 or actual custodian has failed to cause the child to attend
27 a public school or an accredited nonpublic school, or placed
28 the child under competent private instruction ~~or independent~~
29 ~~private instruction~~ in the manner provided in this chapter. If
30 the court finds that the parent, guardian, or legal or actual
31 custodian has failed to cause the child to attend as required
32 in this section, the court shall assess a civil penalty of not
33 less than one hundred but not more than one thousand dollars
34 for each violation established.

35 Sec. 6. Section 299.8, Code 2014, is amended to read as

LSB 5813YH (3) 85

-2-

kh/sc

2/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 follows:

2 **299.8 "Truant" defined.**

3 Any child of compulsory attendance age who fails to attend
4 school as provided in this chapter, or as required by the
5 school board's or school governing body's attendance policy,
6 or who fails to attend competent private instruction ~~or~~
7 ~~independent private instruction~~ under chapter 299A, without
8 reasonable excuse for the absence, shall be deemed to be a
9 truant. A finding that a child is truant, however, shall not
10 by itself mean that the child is a child in need of assistance
11 within the meaning of chapter 232 and shall not be the sole
12 basis for a child in need of assistance petition.

13 Sec. 7. Section 299.11, subsection 1, Code 2014, is amended
14 to read as follows:

15 1. The truancy officer may take into custody without
16 warrant any apparently truant child and place the child
17 in the charge of the school principal, or the principal's
18 designee, designated by the board of directors of the school
19 district in which the child resides, or in the charge of any
20 nonpublic school or any authority providing competent private
21 instruction ~~or independent private instruction~~ as defined in
22 section 299A.1, designated by the parent, guardian, or legal
23 or actual custodian; but if it is other than a public school,
24 the instruction and maintenance of the child shall be without
25 expense to the school district. If a child is taken into
26 custody under this section, the truancy officer shall make
27 every reasonable attempt to immediately notify the parent,
28 guardian, or legal or actual custodian of the child's location.

29 Sec. 8. Section 299.12, subsection 2, Code 2014, is amended
30 to read as follows:

31 2. This section is not applicable to a child who is
32 receiving competent private instruction ~~or independent private~~
33 ~~instruction~~ in accordance with the requirements of chapter
34 299A. If a child is not in compliance with the attendance
35 requirements established under section 299.1, and has not

LSB 5813YH (3) 85

-3-

kh/sc

3/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 completed educational requirements through the sixth grade,
2 and the school has used every means available to assure the
3 child does attend, the school truancy officer shall contact
4 the child's parent, guardian, or legal or actual custodian to
5 participate in an attendance cooperation meeting. The parties
6 to the attendance cooperation meeting may include the child
7 and shall include the child's parent, guardian, or legal or
8 actual custodian and the school truancy officer. The school
9 truancy officer contacting the participants in the attendance
10 cooperation meeting may invite other school officials, a
11 designee of the juvenile court, the county attorney or the
12 county attorney's designee, or other persons deemed appropriate
13 to participate in the attendance cooperation meeting.

14 Sec. 9. Section 299A.1, Code 2014, is amended to read as
15 follows:

16 **299A.1 ~~Competent private~~ Private instruction and ~~independent~~**
17 **~~private instruction.~~**

18 1. The parent, guardian, or legal custodian of a child of
19 compulsory attendance age who places the child under private
20 instruction shall provide, unless otherwise exempted, competent
21 private instruction ~~or independent private instruction~~ in
22 accordance with this chapter. A parent, guardian, or legal
23 custodian of a child of compulsory attendance age who places
24 the child under private instruction which is not competent
25 private instruction ~~or independent private instruction~~,
26 or otherwise fails to comply with the requirements of this
27 chapter, is subject to the provisions of sections 299.1 through
28 299.4 and the penalties provided in section 299.6.

29 2. For purposes of this chapter and chapter 299+,

30 a. ~~Competent~~ competent private instruction means private
31 instruction provided on a daily basis for at least one hundred
32 forty-eight days during a school year, to be met by attendance
33 for at least thirty-seven days each school quarter, by or
34 under the supervision of a licensed practitioner in the manner
35 provided under section 299A.2, or a parent, guardian, or legal

LSB 5813YH (3) 85

-4-

kh/sc

4/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 custodian under section 299A.3, which results in the student
2 making adequate progress.

3 ~~*b.* "Independent private instruction" means instruction that~~
4 ~~meets the following criteria:~~

5 ~~(1) Is not accredited.~~

6 ~~(2) Enrolls not more than four unrelated students.~~

7 ~~(3) Does not charge tuition, fees, or other remuneration for~~
8 ~~instruction.~~

9 ~~(4) Provides private or religious-based instruction as its~~
10 ~~primary purpose.~~

11 ~~(5) Provides enrolled students with instruction in~~
12 ~~mathematics, reading and language arts, science, and social~~
13 ~~studies.~~

14 ~~(6) Provides, upon written request from the superintendent~~
15 ~~of the school district in which the independent private~~
16 ~~instruction is provided, or from the director of the department~~
17 ~~of education, a report identifying the primary instructor,~~
18 ~~location, name of the authority responsible for the independent~~
19 ~~private instruction, and the names of the students enrolled.~~

20 ~~(7) Is not a nonpublic school and does not provide competent~~
21 ~~private instruction as defined in this subsection.~~

22 ~~(8) Is exempt from all state statutes and administrative~~
23 ~~rules applicable to a school, a school board, or a school~~
24 ~~district, except as otherwise provided in chapter 299 and this~~
25 ~~chapter.~~

26 ~~*e.*~~ *b.* "*Private instruction*" means instruction using a
27 plan and a course of study in a setting other than a public or
28 organized accredited nonpublic school.

29 Sec. 10. Section 299A.3, unnumbered paragraph 1, Code 2014,
30 is amended to read as follows:

31 A parent, guardian, or legal custodian of a child of
32 compulsory attendance age providing competent private
33 instruction to the child ~~may~~ shall meet all of the following
34 requirements:

35 Sec. 11. Section 299A.11, Code 2014, is amended to read as

LSB 5813YH (3) 85

-5-

kh/sc

5/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 follows:

2 **299A.11 Student records confidential.**

3 Notwithstanding any provision of law or rule to the
4 contrary, personal information in records regarding a child
5 receiving competent private instruction ~~or independent private~~
6 ~~instruction~~ pursuant to this chapter, which are maintained,
7 created, collected, or assembled by or for a state agency,
8 shall be kept confidential in the same manner as personal
9 information in student records maintained, created, collected,
10 or assembled by or for a school corporation or educational
11 institution in accordance with section 22.7, subsection 1.

12 Sec. 12. Section 321.178, subsection 1, paragraph c, Code
13 2014, is amended to read as follows:

14 c. Every public school district in Iowa shall offer
15 or make available to all students residing in the school
16 district, or Iowa students attending a nonpublic school or
17 receiving competent private instruction ~~or independent private~~
18 ~~instruction as defined in section 299A.1,~~ in the district, an
19 approved course in driver education. The receiving district
20 shall be the school district responsible for making driver
21 education available to a student participating in open
22 enrollment under section 282.18. The courses may be offered
23 at sites other than at the public school, including nonpublic
24 school facilities within the public school districts. An
25 approved course offered during the summer months, on Saturdays,
26 after regular school hours during the regular terms or partly
27 in one term or summer vacation period and partly in the
28 succeeding term or summer vacation period, as the case may
29 be, shall satisfy the requirements of this section to the
30 same extent as an approved course offered during the regular
31 school hours of the school term. A student who successfully
32 completes and obtains certification in an approved course in
33 driver education or an approved course in motorcycle education
34 may, upon proof of such fact, be excused from any field test
35 which the student would otherwise be required to take in

LSB 5813YH (3) 85

-6-

kh/sc

6/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 demonstrating the student's ability to operate a motor vehicle.
2 A student shall not be excused from any field test if a parent,
3 guardian, or instructor requests that a test be administered.
4 A final field test prior to a student's completion of an
5 approved course shall be administered by a person qualified
6 as a classroom driver education instructor and certified to
7 provide street and highway driving instruction. A person
8 qualified as a classroom driver education instructor but not
9 certified to provide street and highway driving instruction
10 may administer the final field test if accompanied by another
11 person qualified to provide street and highway driving
12 instruction.

13 Sec. 13. Section 321.180B, subsection 2, paragraph a, Code
14 2014, is amended to read as follows:

15 a. The department may issue an intermediate driver's
16 license to a person sixteen or seventeen years of age who
17 possesses an instruction permit issued under subsection 1 or
18 a comparable instruction permit issued by another state for a
19 minimum of twelve months immediately preceding application,
20 and who presents an affidavit signed by a parent, guardian, or
21 custodian on a form to be provided by the department that the
22 permittee has accumulated a total of twenty hours of street
23 or highway driving of which two hours were conducted after
24 sunset and before sunrise and the street or highway driving was
25 with the permittee's parent, guardian, custodian, instructor,
26 a person certified by the department, or a person at least
27 twenty-five years of age who had written permission from a
28 parent, guardian, or custodian to accompany the permittee, and
29 whose driving privileges have not been suspended, revoked,
30 or barred under this chapter or chapter 321J during, and who
31 has been accident and violation free continuously for, the
32 six-month period immediately preceding the application for an
33 intermediate license. An applicant for an intermediate license
34 must meet the requirements of section 321.186, including
35 satisfactory completion of driver education as required in

LSB 5813YH (3) 85

-7-

kh/sc

7/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 section 321.178 ~~or 321.178A~~, and payment of the required
2 license fee before an intermediate license will be issued. A
3 person issued an intermediate license must limit the number of
4 passengers in the motor vehicle when the intermediate licensee
5 is operating the motor vehicle to the number of passenger
6 safety belts. In addition, unless waived by the person's
7 parent or guardian at the time the intermediate license is
8 issued, for the first six months following issuance of the
9 license, a person issued an intermediate license must limit the
10 number of unrelated minor passengers in the motor vehicle when
11 the intermediate licensee is operating the motor vehicle to
12 one, except when the intermediate licensee is accompanied in
13 accordance with subsection 1. For purposes of this subsection,
14 "unrelated minor passenger" means a passenger who is under
15 eighteen years of age and who is not a sibling of the driver, a
16 stepsibling of the driver, or a child who resides in the same
17 household as the driver. The department shall prescribe the
18 form for waiver of the six-month restriction on unrelated minor
19 passengers, which may be in an electronic format, and shall
20 designate characteristics for the intermediate license that
21 shall distinguish between an intermediate license that includes
22 the six-month restriction on unrelated minor passengers and
23 an intermediate license that does not include the six-month
24 restriction on unrelated minor passengers.

25 Sec. 14. REPEAL. Section 321.178A, Code 2014, is repealed.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill eliminates changes made relating to private
30 instruction, including independent private instruction and
31 driver education by a teaching parent, made in 2013 Iowa Acts,
32 chapter 121, divisions X, XII, and XIII.

33 The bill requires that a parent, guardian, or legal
34 custodian of a child of compulsory attendance age placed under
35 competent private instruction by a parent, guardian, or legal

LSB 5813YH (3) 85

-8-

kh/sc

8/9



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2308

1 custodian submit to the school district of residence a report
2 that states the name and age of the child and the period of
3 time the child has been or will be under competent private
4 instruction and includes an outline of course study and texts
5 uses, and the name and address of the instructor, and evidence
6 of immunization. The bill also requires the parent, guardian,
7 or legal custodian to ensure that the child is evaluated
8 annually, and to ensure that the results of the child's annual
9 evaluation are reported to the school districts.

10 The bill eliminates language that establishes an option for
11 independent private instruction under Code chapter 299A and
12 makes corresponding changes.

13 The bill modifies the definition of "competent private
14 instruction" to include instruction by or under the supervision
15 of a parent, guardian, or legal custodian.

16 The bill also repeals Code section 321.178A, which allows a
17 parent, guardian, or legal custodian who is providing competent
18 private instruction to a student to teach the student driver
19 education provided the parent, guardian, or legal custodian has
20 a valid driver's license that permits unaccompanied driving and
21 has a clear driving record for the previous two years.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2309 - Introduced

HOUSE FILE 2309

BY STECKMAN, PRICHARD, RUFF,
WOOD, MURPHY, GASKILL,
KAJTAZOVIC, MUHLBAUER,
THEDE, and L. MILLER

A BILL FOR

1 An Act relating to the criminal offenses of enticing a minor,
2 prostitution, sexual exploitation of a minor, and human
3 trafficking, and providing for a fee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6105YH (5) 85
rh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2309

1 Section 1. Section 602.8102, subsection 135A, Code 2014, is
2 amended to read as follows:

3 135A. Assess the surcharges provided by sections 911.1,
4 911.2, 911.2A, 911.3, and 911.4.

5 Sec. 2. Section 602.8108, subsection 2, Code 2014, is
6 amended to read as follows:

7 2. Except as otherwise provided, the clerk of the district
8 court shall report and submit to the state court administrator,
9 not later than the fifteenth day of each month, the fines and
10 fees received during the preceding calendar month. Except
11 as provided in subsections 3, 4, 5, 5A, 7, 8, 9, and 10, the
12 state court administrator shall deposit the amounts received
13 with the treasurer of state for deposit in the general fund of
14 the state. The state court administrator shall report to the
15 legislative services agency within thirty days of the beginning
16 of each fiscal quarter the amount received during the previous
17 quarter in the account established under this section.

18 Sec. 3. Section 602.8108, Code 2014, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 5A. The clerk of the district court shall
21 remit all moneys collected from the assessment of the human
22 trafficking victim surcharge provided in section 911.2A to the
23 state court administrator no later than the fifteenth day of
24 each month for deposit in the human trafficking victim fund
25 created in section 915.95.

26 Sec. 4. Section 710.10, Code 2014, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 7. For purposes of this section, methods
29 of enticement include but are not limited to personal contact
30 and communication by any means including through the mail,
31 telephone, internet, or any social media, and include text
32 messages, instant messages, and electronic mail.

33 Sec. 5. NEW SECTION. **710A.6 Past sexual behavior of victim.**

34 Evidence of a specific instance of a victim's past sexual
35 behavior, or reputation or opinion evidence of past sexual

LSB 6105YH (5) 85

-1-

rh/rj

1/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2309

1 behavior of a victim, is not admissible unless the evidence is
2 admitted in accordance with rule of evidence 5.412.

3 Sec. 6. Section 725.1, Code 2014, is amended to read as
4 follows:

5 **725.1 Prostitution.**

6 1. A Except as provided in subsection 3, a person who sells
7 or offers for sale the person's services as a partner in a sex
8 act commits an aggravated misdemeanor. ~~or~~

9 2. A person who purchases or offers to purchase such
10 a person's services, as a partner in a sex act commits an
11 aggravated misdemeanor.

12 3. If the person who sells or offers for sale the person's
13 services as a partner in a sex act pursuant to subsection 1
14 is under the age of eighteen and reasonable grounds exist to
15 believe that the influence or control of an adult contributed
16 to the commission of the offense, the county attorney may
17 elect, in lieu of filing a petition alleging that the person
18 has committed a delinquent act, to refer the person to the
19 department of human services for the possible filing of
20 a petition alleging that the person is a child in need of
21 assistance.

22 **Sec. 7. NEW SECTION. 802.2B Sexual exploitation of a minor.**

23 An information or indictment for sexual exploitation of
24 a minor under section 728.12 committed on or with a person
25 who is under the age of eighteen years shall be found within
26 ten years after the person upon whom the offense is committed
27 attains eighteen years of age, or if the person against whom
28 the information or indictment is sought is identified through
29 the use of a DNA profile, an information or indictment shall be
30 found within three years from the date the person is identified
31 by the person's DNA profile, whichever is later.

32 Sec. 8. Section 802.3, Code 2014, is amended to read as
33 follows:

34 **802.3 Felony — aggravated or serious misdemeanor.**

35 In all cases, except those enumerated in section 802.1,

LSB 6105YH (5) 85

-2-

rh/rj

2/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2309

1 802.2, 802.2A, 802.2B, or 802.10, an indictment or information
2 for a felony or aggravated or serious misdemeanor shall be
3 found within three years after its commission.

4 Sec. 9. Section 902.9, subsection 2, Code 2014, is amended
5 to read as follows:

6 2. The surcharges required by sections 911.1, 911.2,
7 911.2A, and 911.3 shall be added to a fine imposed on a class
8 "C" or class "D" felon, as provided by those sections, and are
9 not a part of or subject to the maximums set in this section.

10 Sec. 10. Section 903.1, subsection 4, Code 2014, is amended
11 to read as follows:

12 4. The surcharges required by sections 911.1, 911.2,
13 911.2A, 911.3, and 911.4 shall be added to a fine imposed on a
14 misdemeanor as provided in those sections, and are not a part
15 of or subject to the maximums set in this section.

16 Sec. 11. NEW SECTION. **911.2A Human trafficking victim**
17 **surcharge.**

18 1. In addition to any other surcharge, the court or clerk
19 of the district court shall assess a human trafficking victim
20 surcharge of two hundred fifty dollars if an adjudication of
21 guilt or a deferred judgment has been entered for a criminal
22 violation of section 725.1, subsection 2, or section 710A.2,
23 725.2, or 725.3.

24 2. In the event of multiple offenses, the surcharge shall be
25 imposed for each applicable offense.

26 3. The surcharge shall be remitted by the clerk of court as
27 provided in section 602.8108, subsection 5A.

28 Sec. 12. NEW SECTION. **915.95 Human trafficking victim fund.**

29 A fund is created as a separate fund in the state treasury.
30 Moneys deposited in the fund shall be administered by the
31 department and dedicated to and used for awarding moneys to
32 programs that provide services and support to victims of human
33 trafficking under section 710A.2, including public outreach
34 and awareness programs and service provider training programs.
35 Notwithstanding section 8.33, any balance in the fund on June

LSB 6105YH (5) 85

-3-

rh/rj

3/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2309

1 30 of any fiscal year shall not revert to the general fund of
2 the state.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 The bill relates to the criminal offenses of enticing a
7 minor, prostitution, sexual exploitation of a minor, and human
8 trafficking, and provides for a fee.

9 ENTICING A MINOR. The bill provides that for the criminal
10 offense of enticing a minor, methods of enticement include but
11 are not limited to personal contact and communication by any
12 means including through the mail, telephone, internet, or any
13 social media, and include text messages, instant messages, and
14 electronic mail.

15 HUMAN TRAFFICKING VICTIM — PAST SEXUAL BEHAVIOR. The
16 bill provides that evidence of a specific instance of a human
17 trafficking victim's past sexual behavior, or reputation or
18 opinion evidence of past sexual behavior of a human trafficking
19 victim, is not admissible unless the evidence is admitted in
20 accordance with rule of evidence 5.412 (Iowa's rape shield
21 evidence law).

22 PROSTITUTION — MINOR. The bill provides that if a person
23 who sells or offers for sale the person's services as a
24 partner in a sex act (prostitution) is under the age of 18
25 and reasonable grounds exist to believe that the influence
26 or control of an adult contributed to the commission of the
27 offense the county attorney may elect, in lieu of filing a
28 delinquency petition in juvenile court, to refer the person
29 to the department of human services for the possible filing
30 of a petition alleging that the person is a child in need of
31 assistance.

32 SEXUAL EXPLOITATION OF A MINOR — STATUTE OF LIMITATION. The
33 bill increases the statute of limitation period for the filing
34 of an information or indictment for the criminal offense of
35 sexual exploitation of a minor from three years to 10 years

LSB 6105YH (5) 85

-4-

rh/rj

4/5



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2309

1 after the person upon whom the offense is committed attains 18
2 years of age, or if the person against whom the information or
3 indictment is sought is identified through the use of a DNA
4 profile, an information or indictment shall be filed within
5 three years from the date the person is identified by the
6 person's DNA profile, whichever is later.

7 HUMAN TRAFFICKING SURCHARGE. The bill provides for the
8 assessment of a \$250 human trafficking victim surcharge if an
9 adjudication of guilt or a deferred judgment has been entered
10 for a criminal violation of Code sections 725.1, subsection
11 2 (prostitution by a purchaser of sexual services) or 710A.2
12 (human trafficking), 725.2 (pimping), and 725.3 (pandering).
13 The surcharge shall be deposited into the human trafficking
14 victim fund created in the bill.

15 HUMAN TRAFFICKING VICTIM FUND. The bill creates a human
16 trafficking victim fund to be administered by the department of
17 justice to be used for awarding moneys to programs that provide
18 services and support to human trafficking victims, including
19 public outreach and awareness programs and service provider
20 training programs. Notwithstanding Code section 8.33, any
21 balance in the fund on June 30 of any fiscal year shall not
22 revert to the general fund of the state.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2310 - Introduced

HOUSE FILE 2310
BY BEARINGER

A BILL FOR

1 An Act providing that a child who is twelve years of age or
2 older, who is truant, and who refuses to engage in mediation
3 or who violates a mediation agreement commits a delinquent
4 act.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5613YH (4) 85
kh/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2310

1 Section 1. Section 232.2, subsection 12, Code 2014, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. d. The violation of a mediation agreement
4 or refusal to participate in mediation under section 299.5A is
5 committed by a child twelve years of age or older.
6 Sec. 2. Section 232.22, subsection 8, Code 2014, is amended
7 to read as follows:
8 8. Notwithstanding any other provision of the Code to
9 the contrary, a child shall not be placed in detention for a
10 violation of section 123.47 or 299.6, or for failure to comply
11 with a dispositional order which provides for performance of
12 community service for a violation of section 123.47 or 299.6.
13 Sec. 3. Section 299.5A, unnumbered paragraph 4, Code 2014,
14 is amended to read as follows:
15 The school district shall be responsible for monitoring
16 any agreements arrived at through mediation. If a parent,
17 guardian, or legal or actual custodian, or the child if the
18 child is twelve years of age or older, refuses to engage in
19 mediation or violates a term of the agreement, the matter
20 shall be rereferred to the county attorney for prosecution
21 under section 299.6. The county attorney's office or the
22 mediation service shall require the parent, guardian, or legal
23 or actual custodian and the school to pay a fee to help defray
24 the administrative cost of mediation services. The county
25 attorney's office or the mediation service shall establish
26 a sliding scale of fees to be charged parents, guardians,
27 and legal or actual custodians based upon ability to pay. A
28 parent, guardian, or legal or actual custodian shall not be
29 denied the services of a mediator solely because of inability
30 to pay the fee.
31 Sec. 4. Section 299.6, subsection 1, unnumbered paragraph
32 1, Code 2014, is amended to read as follows:
33 Any person who violates a mediation agreement under section
34 299.5A, who is referred for prosecution under section 299.5A
35 and is convicted of a violation of any of the provisions

LSB 5613YH (4) 85

-1-

kh/nh

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2310

1 of sections 299.1 through 299.5, who violates any of the
2 provisions of sections 299.1 through 299.5, or who refuses
3 to participate in mediation under section 299.5A, commits
4 a public offense. If a child twelve years of age or older
5 violates a mediation agreement under section 299.5A, or refuses
6 to participate in mediation under section 299.5A, the child
7 commits a delinquent act under chapter 232. The child may
8 be placed in detention under chapter 232 for a violation of
9 section 299.5A for not more than forty-eight hours.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill provides that a child who is 12 years of age or
14 older, truant, and refuses to engage in mediation or violates
15 a truancy mediation agreement, commits a delinquent act under
16 Code chapter 232. The child may be placed in detention for not
17 more than 48 hours for such delinquent act.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2311 - Introduced

HOUSE FILE 2311
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 619)

A BILL FOR

1 An Act relating to the duties and authority of the college
2 student aid commission relating to the registration of
3 certain postsecondary schools, to interstate reciprocity
4 agreements, and to registration fees collected by the
5 commission.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6005HV (1) 85
kh/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2311

1 Section 1. Section 261.2, subsection 11, paragraph a, Code
2 2014, is amended to read as follows:

3 a. The institutions are not required to register under
4 chapter 261B or the institutions are participating resident
5 institutions as defined in section 261G.2 that volunteer to
6 register under section 261B.11B.

7 Sec. 2. Section 261.2, Code 2014, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 13. Enter into and administer,
10 or recognize, an interstate reciprocity agreement for
11 the provision of postsecondary distance education by a
12 postsecondary institution pursuant to chapter 261G. The
13 commission shall adopt rules establishing application
14 procedures and criteria for the authorization of postsecondary
15 institutions providing postsecondary distance education under
16 interstate reciprocity agreements pursuant to chapter 261G
17 and for the review and approval of interstate reciprocity
18 agreements the commission may enter into or recognize pursuant
19 to this subsection and chapter 261G. The commission may accept
20 an authorization granted by another state to a postsecondary
21 institution under an interstate reciprocity agreement to
22 deliver postsecondary distance education.

23 Sec. 3. Section 261B.8, subsection 3, Code 2014, is amended
24 to read as follows:

25 3. A postsecondary registration fund is created in the
26 state treasury under the control of the commission. Fees
27 collected under this section shall be deposited in the general
28 postsecondary registration fund of the state. Moneys in the
29 fund are appropriated to the commission and shall be used by
30 the commission to administer this chapter and chapter 261G.
31 Notwithstanding section 8.33, moneys in the fund shall not
32 revert to the general fund of the state at the end of a fiscal
33 year. Notwithstanding section 12C.7, interest or earnings on
34 moneys in the fund shall be credited to the fund.

35 Sec. 4. NEW SECTION. 261B.11B Voluntary registration.

LSB 6005HV (1) 85

-1-

kh/sc

1/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2311

1 A school or other postsecondary educational institution
2 that is exempt under section 261B.11 may voluntarily register
3 under chapter 261B in order to comply with chapter 261G or
4 for purposes of institutional eligibility under 34 C.F.R.
5 §600.9(a).

6 Sec. 5. NEW SECTION. 261G.1 Purpose.

7 The purpose of this chapter is to authorize the college
8 student aid commission to enter into or recognize agreements
9 that will create interstate reciprocity in the regulation of
10 postsecondary distance education for the purpose of encouraging
11 cost savings for students and greater efficiencies and
12 effectiveness for institutions of higher education providing
13 distance education.

14 Sec. 6. NEW SECTION. 261G.2 Definitions.

15 1. "*Commission*" means the college student aid commission
16 created pursuant to section 261.1.

17 2. "*Interstate reciprocity agreement*" means an interstate
18 reciprocity agreement entered into and administered, or
19 recognized, by the commission in accordance with section 261.2,
20 subsection 13.

21 3. "*Participating institution*" means an institution that
22 meets the definition of subsection 4 or 5.

23 4. "*Participating nonresident institution*" means a
24 postsecondary institution without a physical presence in
25 Iowa that is offering instructional programs or courses in
26 Iowa leading to a degree, is a member in good standing in an
27 interstate reciprocity agreement, and is registered with and
28 regulated by a state agency or authority that is a member in
29 good standing in an interstate reciprocity agreement.

30 5. "*Participating resident institution*" means a
31 postsecondary institution located in Iowa that is a member in
32 good standing in an interstate reciprocity agreement and is
33 offering instructional programs or courses in Iowa leading
34 to a degree, including but not limited to the following
35 institutions:

LSB 6005HV (1) 85

-2-

kh/sc

2/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2311

- 1 *a.* A community college as defined in section 260C.2.
2 *b.* An institution of higher learning governed by the state
3 board of regents.
4 *c.* An accredited private institution as defined in section
5 261.9.
6 *d.* A school or postsecondary educational institution that
7 voluntarily registers with the commission pursuant to section
8 261B.11B in order to comply with this chapter or for purposes
9 of institutional eligibility under 34 C.F.R. §600.9(a).
10 6. *Physical presence* means any of the following:
11 *a.* Establishing a physical location in Iowa for students to
12 receive synchronous or asynchronous instruction.
13 *b.* Requiring students to physically meet in a location in
14 Iowa for instructional purposes.
15 *c.* Establishing an administrative office in Iowa, for any of
16 the following purposes:
17 (1) Providing information to prospective students or the
18 general public about the institution, for enrolling students,
19 or for providing services to enrolled students.
20 (2) Providing office space to instructional or
21 noninstructional staff.
22 (3) Establishing an Iowa mailing address, street address,
23 or telephone number.
24 Sec. 7. NEW SECTION. **261G.3 Execution of duties.**
25 The commission shall only enter into or recognize an
26 interstate reciprocity agreement if the agreement contains
27 sufficient consumer protection provisions and is otherwise in
28 the best interests of students enrolled in institutions of
29 higher education in this state.
30 Sec. 8. NEW SECTION. **261G.4 Effect of agreement.**
31 1. Notwithstanding any other provision of law to the
32 contrary, a participating nonresident institution shall not be
33 required to register under chapter 261B or to comply with the
34 registration and disclosure requirements of chapter 261 or 261B
35 or sections 714.17, 714.18, 714.19, 714.20, 714.21, 714.21A,



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2311

1 714.23, 714.24, or 714.25 if the provisions of an interstate
2 reciprocity agreement prohibit such registration or compliance.

3 2. Notwithstanding any other provision of law to the
4 contrary, a participating resident institution shall be
5 required to register under chapter 261B or to comply with the
6 registration and disclosure requirements of chapter 261 or 261B
7 or sections 714.17, 714.18, 714.19, 714.20, 714.21, 714.21A,
8 714.23, 714.24, or 714.25 if the provisions of the interstate
9 reciprocity agreement require such registration or compliance.

10 3. A participating institution offering instructional
11 programs or courses under an interstate reciprocity agreement
12 entered into or recognized by the commission must notify the
13 commission of any change of status relating in any way to the
14 interstate reciprocity agreement.

15 4. This chapter shall not be construed to prevent the
16 commission or the state from requiring a school or other
17 postsecondary educational institution to register under chapter
18 261B or from taking enforcement action against a participating
19 institution in any of the following circumstances:

20 a. A participating nonresident institution leaves or
21 otherwise ceases to be a member in good standing in an
22 interstate reciprocity agreement.

23 b. The participating institution is physically or
24 administratively housed in a state that does not join or ceases
25 to be a member in good standing in an interstate reciprocity
26 agreement entered into or recognized by the commission.

27 c. The discovery of acts or omissions subject to the
28 enforcement action but which occurred prior to the commission's
29 entering into or recognizing an interstate reciprocity
30 agreement.

31 5. Students attending a participating nonresident
32 institution are ineligible for state student financial aid
33 programs established under chapter 261.

34 Sec. 9. NEW SECTION. 261G.5 Postsecondary registration
35 fees.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2311

1 1. The commission shall set by rule and collect a
2 nonrefundable initial registration fee and a renewal of
3 registration fee from each participating institution that
4 voluntarily registers with the commission pursuant to section
5 261B.11B in order to comply with this chapter or for purposes
6 of institutional eligibility under 34 C.F.R. §600.9(a).

7 2. Fees shall be set by rule not more than once each
8 year and shall be based upon the costs of administering this
9 chapter.

10 3. Fees collected under this section shall be deposited in a
11 separate account in the postsecondary registration fund created
12 pursuant to section 261B.8, subsection 3, and shall be used for
13 purposes of administering this chapter.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the college student aid commission's
18 duties and authority to register postsecondary schools and to
19 enter into and administer, or recognize, interstate reciprocity
20 agreements. The bill also provides for the collection and
21 appropriation of fees collected when schools and postsecondary
22 institutions register with the commission.

23 The bill creates new Code chapter 261G, and establishes that
24 the purpose of the Code chapter is to authorize the commission
25 to enter into or recognize agreements that will create
26 interstate reciprocity in the regulation of postsecondary
27 distance education for the purpose of encouraging cost savings
28 for students and greater efficiencies and effectiveness for
29 institutions of higher education providing distance education.
30 The commission shall only enter into or recognize an interstate
31 reciprocity agreement if the agreement contains sufficient
32 consumer protection provisions and is otherwise in the best
33 interest of students enrolled in institutions of higher
34 education in this state.

35 The bill permits the provisions of an interstate reciprocity

LSB 6005HV (1) 85

-5-

kh/sc

5/7



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2311

1 agreement to override the registration provisions of Code
2 chapter 261B, the compliance requirements for registration and
3 disclosure under Code chapters 261 and 261B, and compliance
4 with Code sections 714.17 through 714.25, relating to unlawful
5 advertising and selling of educational courses, evidence of
6 financial responsibility, exemptions for certain educational
7 institutions, one lifetime contract per person limitation,
8 civil and criminal penalties, refund policies, and disclosure.

9 The bill provides that new Code chapter 261G shall not
10 prevent the commission or the state from requiring a school or
11 other postsecondary educational institution to register under
12 Code chapter 261B or from taking enforcement action against
13 a participating institution if a participating nonresident
14 institution leaves or otherwise ceases to be a member in
15 good standing in an interstate reciprocity agreement, the
16 postsecondary institution is physically or administratively
17 housed in a state that does not join or ceases to be a member
18 in good standing in an interstate reciprocity agreement, or
19 for acts or omissions subject to the enforcement action which
20 occurred prior to the commission entering into or recognizing
21 an interstate reciprocity agreement.

22 The bill provides that students attending a participating
23 nonresident institution are ineligible for state student
24 financial aid programs.

25 The bill amends Code section 261.2, which provides for
26 the commission's duties, to direct the commission to enter
27 into and administer, or recognize, an interstate reciprocity
28 agreement for the provision of postsecondary distance education
29 by a postsecondary institution under new Code chapter 261G.
30 The commission must adopt rules establishing application
31 procedures and criteria for the authorization of postsecondary
32 institutions providing postsecondary distance education under
33 interstate reciprocity agreements and for the review and
34 approval of such agreements. The commission may accept an
35 authorization granted by another state to deliver postsecondary



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2311

1 distance education under an interstate reciprocity agreement.
2 Currently, students receiving state-funded scholarships
3 and grants cannot use such scholarships and grants at schools
4 required to register under Code chapter 261B. The bill
5 provides that the limitation does not apply to a resident
6 postsecondary institution that is exempt from the registration
7 requirements of Code chapter 261B and is participating in an
8 interstate reciprocity agreement to provide postsecondary
9 distance education. However, the bill also provides that a
10 school or other postsecondary educational institution that is
11 exempt from registering under Code chapter 261B may voluntarily
12 register to comply with Code chapter 261G or for purposes of
13 institutional eligibility under the federal Higher Education
14 Act of 1965, as amended.
15 Under current law, registration fees collected under Code
16 chapter 261B are deposited in the general fund of the state.
17 The bill creates a postsecondary registration fund in the state
18 treasury under the control of the commission for fees collected
19 for postsecondary school registration required pursuant to Code
20 chapter 261B and for registration of schools and postsecondary
21 institutions that volunteer to register with the commission.
22 The fees are appropriated to the commission and must be
23 deposited into a separate account in the new fund and used for
24 the administration of the new Code chapter.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House File 2312 - Introduced

HOUSE FILE 2312
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HF 2101)

A BILL FOR

1 An Act providing an exemption from registration fees for
2 certain new completed motor vehicles purchased by an
3 equipment dealer for modification and resale.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5660HV (1) 85
dea/tm



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2312

1 Section 1. Section 321.48, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. A transferee of a new completed motor
4 vehicle shall obtain a certificate of title for the vehicle
5 but is not required to pay the annual registration fee for the
6 vehicle, provided all of the following apply:

7 a. The transferee is an equipment dealer licensed as a motor
8 vehicle dealer under chapter 322.

9 b. The transferee purchases the vehicle at retail for
10 the purpose of modifying the vehicle as provided in section
11 321.105A, subsection 2, paragraph "c", subparagraph (31), prior
12 to selling it as a used vehicle to a business or government
13 entity.

14 c. The transferee operates the vehicle only for purposes
15 incidental to a resale.

16 d. The transferee displays a dealer plate on the vehicle or
17 does not drive the vehicle or permit it to be driven upon the
18 highways.

19 Sec. 2. Section 321.105A, subsection 2, paragraph c, Code
20 2014, is amended by adding the following new subparagraph:

21 NEW SUBPARAGRAPH. (31) (a) A new completed motor vehicle
22 purchased at retail by an equipment dealer who is licensed as a
23 motor vehicle dealer under chapter 322, provided that all of
24 the following apply:

25 (i) The equipment dealer modifies the vehicle as provided
26 in subparagraph division (b), subparagraph subdivision (i) or
27 (ii).

28 (ii) The total value of the work performed and the equipment
29 installed on the vehicle equals or exceeds eighty percent of
30 the purchase price paid for the new vehicle.

31 (iii) Notwithstanding section 322.3, the equipment dealer
32 sells the modified vehicle as a used vehicle to a purchaser
33 that is a business or government entity, and not an individual
34 consumer.

35 (b) For purposes of this subparagraph, "equipment dealer"

LSB 5660HV (1) 85
dea/tm

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2312

1 means a person who does at least one of the following:

2 (i) Rebuilds new completed motor vehicles by fabricating,
3 altering, adding, or replacing essential parts, components,
4 or equipment for the purpose of building an ambulance, rescue
5 vehicle, fire vehicle, or towing or recovery vehicle.

6 (ii) Installs cranes, hook loaders, buckets, aerial
7 ladders, tanks, or special equipment on new completed motor
8 trucks with a gross vehicle weight rating of fourteen thousand
9 five hundred pounds or more.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 Under current law, an equipment dealer who rebuilds or
14 installs equipment on new vehicles can be licensed as a
15 wholesaler in order to acquire new vehicles without having
16 to title and register the vehicles or pay the fee for new
17 registration. However, after such a vehicle has been modified,
18 the retail sale of the modified vehicle must be completed
19 through a franchised dealer of the vehicle's line make.

20 This bill establishes an alternative process for an
21 equipment dealer with a motor vehicle dealer's license to
22 acquire a new completed motor vehicle without owing the fee
23 for new registration and, after modifying the vehicle, sell it
24 directly to a business or government entity as a used vehicle.
25 Under the bill, a new completed motor vehicle purchased at
26 retail by an equipment dealer licensed to sell motor vehicles
27 is exempt from the fee for new registration, provided that
28 three requirements are met:

29 1. The equipment dealer either rebuilds the new completed
30 motor vehicle by fabricating, altering, adding, or replacing
31 essential parts, components, or equipment for the purpose
32 of building an ambulance, rescue vehicle, fire vehicle, or
33 towing or recovery vehicle; or installs cranes, hook loaders,
34 buckets, aerial ladders, tanks, or special equipment on the new
35 completed motor truck having a gross vehicle weight rating of

LSB 5660HV (1) 85
dea/tm



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. 2312

1 fourteen thousand five hundred pounds or more.

2 2. The total value of the work performed and the equipment
3 installed on the vehicle equals or exceeds 80 percent of the
4 purchase price paid for the new vehicle.

5 3. The equipment dealer sells the modified vehicle as a used
6 vehicle to a purchaser that is a business or government entity,
7 and not an individual consumer.

8 Because the equipment dealer's acquisition of a new
9 completed motor vehicle would be through a retail sale, the
10 equipment dealer would be required to obtain a certificate
11 of title and registration for the vehicle under the bill.
12 However, the bill exempts the equipment dealer from annual
13 registration fees, provided that the equipment dealer operates
14 the vehicle only for purposes incidental to a resale and
15 displays a dealer plate on the vehicle or does not drive the
16 vehicle or permit it to be driven upon the highways.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 652 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to reimbursement of community mental health
2 centers under the medical assistance program for the fiscal
3 year beginning July 1, 2013, and including effective date
4 and retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6121YC (3) 85
jp/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. 2013 Iowa Acts, chapter 138, section 29,
2 subsection 1, paragraph n, is amended to read as follows:
3 n. For the fiscal year beginning July 1, 2013, the
4 reimbursement rates for inpatient mental health services
5 provided at hospitals shall be increased by 1 percent over the
6 rates in effect on June 30, 2013, subject to Medicaid program
7 upper payment limit rules; ~~community mental health centers~~
8 ~~and providers of mental health services to county residents~~
9 ~~pursuant to a waiver approved under section 225C.7, subsection~~
10 ~~3, shall be reimbursed at 100 percent of the reasonable~~
11 ~~costs for the provision of services to recipients of medical~~
12 ~~assistance;~~ and psychiatrists shall be reimbursed at the
13 medical assistance program fee-for-service rate.
14 Sec. 2. 2013 Iowa Acts, chapter 138, section 29, subsection
15 1, is amended by adding the following new paragraph:
16 NEW PARAGRAPH. 0o. For the fiscal year beginning July
17 1, 2013, community mental health centers may choose to be
18 reimbursed for the services provided to recipients of medical
19 assistance through either of the following options:
20 (1) For 100 percent of the reasonable costs of the services.
21 (2) In accordance with the alternative reimbursement rate
22 methodology established by the medical assistance program's
23 managed care contractor for mental health services and approved
24 by the department of human services.
25 Sec. 3. EMERGENCY RULES. The department of human services
26 may adopt emergency rules under section 17A.4, subsection 3,
27 and section 17A.5, subsection 2, paragraph "b", to implement
28 the provisions of this Act and the rules shall be effective
29 immediately upon filing unless a later date is specified in the
30 rules. Any rules adopted in accordance with this section shall
31 also be published as a notice of intended action as provided
32 in section 17A.4.
33 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
34 immediate importance, takes effect upon enactment.
35 Sec. 5. RETROACTIVE APPLICABILITY. This Act applies

LSB 6121YC (3) 85

-1-

jp/rj

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 retroactively to July 1, 2013.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to reimbursement of community mental
6 health centers under the medical assistance (Medicaid) program
7 for the fiscal year beginning July 1, 2013, by amending the
8 reimbursement provision in 2013 Iowa Acts, chapter 138 (SF
9 446).

10 Under SF 446, reimbursement for a service provided by a
11 community mental health center under the Medicaid program was
12 established at 100 percent of the reasonable costs of the
13 service. The bill allows a center to choose instead to be
14 reimbursed in accordance with the alternative reimbursement
15 rate methodology established by the Medicaid program's managed
16 care contractor for mental health services that was approved by
17 the department of human services.

18 The department is authorized to adopt administrative rules
19 to implement the bill without using the regular notice and
20 review processes under Code chapter 17A.

21 The bill takes effect upon enactment and is retroactively
22 applicable to July 1, 2013.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 653 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

- 1 An Act requiring the development and use of a standard process
- 2 and form for prior authorization of prescription drug
- 3 benefits.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6145YC (2) 85
rj/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. NEW SECTION. 505.26 Prior authorization for
2 prescription drug benefits — standard process and form.
3 1. As used in this section:
4 *a. "Facility"* means an institution providing health care
5 services or a health care setting, including but not limited
6 to hospitals and other licensed inpatient centers, ambulatory
7 surgical or treatment centers, skilled nursing centers,
8 residential treatment centers, diagnostic, laboratory, and
9 imaging centers, and rehabilitation and other therapeutic
10 health settings.
11 *b. "Health benefit plan"* means a policy, contract,
12 certificate, or agreement offered or issued by a health carrier
13 to provide, deliver, arrange for, pay for, or reimburse any of
14 the costs of health care services.
15 *c. "Health care professional"* means a physician or other
16 health care practitioner licensed, accredited, registered, or
17 certified to perform specified health care services consistent
18 with state law.
19 *d. "Health care provider"* means a health care professional
20 or a facility.
21 *e. "Health care services"* means services for the diagnosis,
22 prevention, treatment, cure, or relief of a health condition,
23 illness, injury, or disease.
24 *f. "Health carrier"* means an entity subject to the insurance
25 laws of this state, or subject to the jurisdiction of the
26 commissioner, including an insurance company offering sickness
27 and accident plans, a health maintenance organization, a
28 nonprofit health service corporation, a plan established
29 pursuant to chapter 509A for public employees, or any other
30 entity providing a plan of health insurance, health care
31 benefits, or health care services. *"Health carrier"* includes,
32 for purposes of this section, an organized delivery system.
33 *g. "Pharmacy benefits manager"* means the same as defined in
34 section 510B.1.
35 2. The commissioner shall develop, by rule, a standard prior

LSB 6145YC (2) 85

-1-

rj/rj

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 authorization process and form for use by health carriers and
2 pharmacy benefits managers that require prior authorization for
3 prescription drug benefits pursuant to a health benefit plan,
4 by January 1, 2015.

5 3. Prior to development of the standard prior authorization
6 process and form, the commissioner shall hold at least one
7 public hearing to gather input in developing the standard
8 process and form from interested parties.

9 4. The standard prior authorization process shall meet all
10 of the following requirements:

11 a. Health carriers and pharmacy benefits managers shall
12 allow health care providers to submit a prior authorization
13 request electronically.

14 b. Health carriers and pharmacy benefits managers shall
15 provide that approval of a prior authorization request shall be
16 valid for a minimum of one hundred eighty days.

17 c. Health carriers and pharmacy benefits managers shall
18 ensure that the prior authorization process allows a health
19 carrier or pharmacy benefits manager to substitute a generic
20 drug for a previously approved brand-name drug with the health
21 care provider's approval and the patient's consent.

22 d. Health carriers and pharmacy benefits managers shall make
23 the following available and accessible on their internet sites:

24 (1) Prior authorization requirements and restrictions,
25 including a list of drugs that require prior authorization.

26 (2) Clinical criteria that are easily understandable
27 to health care providers, including clinical criteria for
28 reauthorization of a previously approved drug after the prior
29 authorization period has expired.

30 (3) Standards for submitting and considering requests,
31 including evidence-based guidelines, when possible, for making
32 prior authorization determinations.

33 e. Health carriers and pharmacy benefits managers shall
34 provide a process for health care providers to appeal a prior
35 authorization determination.

LSB 6145YC (2) 85

-2-

rj/rj

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 5. The standard prior authorization form shall meet all of
2 the following requirements:

- 3 a. Not exceed two pages in length.
4 b. Be available in an electronic format.
5 c. Be transmissible in an electronic format.

6 6. Health carriers and pharmacy benefits managers shall use
7 and accept the standard prior authorization form beginning on
8 July 1, 2015. Health care providers shall use and submit the
9 standard prior authorization form, when prior authorization is
10 required by a health benefit plan, beginning on July 1, 2015.

11 7. a. If a health carrier or pharmacy benefits manager
12 fails to use or accept the standard prior authorization form
13 or to respond to a health care provider's request for prior
14 authorization of prescription drug benefits within forty-eight
15 hours of the health care provider's submission of the form,
16 the request for prior authorization shall be considered to be
17 approved.

18 b. However, if the prior authorization request is
19 incomplete, the health carrier or pharmacy benefits manager may
20 request the additional information within the forty-eight-hour
21 period and once the additional information is provided the
22 provisions of paragraph "a" shall again apply.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill requires the development and use of a standard
27 process and form to obtain prior authorization for prescription
28 drug benefits under a health benefit plan.

29 The bill requires the commissioner of insurance to develop,
30 by rule, a standard process and form by January 1, 2015.
31 Before developing the process and form, the commissioner is
32 required to hold at least one public hearing to obtain input
33 from interested parties. The form must not exceed two pages in
34 length and must be available and transmissible in an electronic
35 format.

LSB 6145YC (2) 85
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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Health carriers are defined as all types of entities
2 providing health insurance or health benefit coverages and
3 pharmacy benefits managers are defined as an entity providing
4 prescription drug benefit management services to all types
5 of entities providing health insurance or health benefit
6 coverages, including employers and unions. Health carriers and
7 pharmacy benefits managers are required to use and accept the
8 standard prior authorization form, and health care providers
9 are required to use and submit the form, beginning on July 1,
10 2015. If a health carrier fails to use or accept the standard
11 form or to respond to a health care provider's request for
12 prior authorization of prescription drug benefits within 48
13 hours of the provider's submission of the form, the request
14 shall be considered to be granted, unless the request is
15 incomplete and additional information is needed to process the
16 request.

17 Health care providers are defined as health care
18 professionals or health care institutions and are required to
19 use and submit the standard prior authorization form, beginning
20 on July 1, 2015.

21 The standard prior authorization process must include
22 the capability of electronic submissions, 180-day prior
23 authorization approvals, substitution of generic drugs,
24 internet access to prior authorization requirements such as
25 listing of drugs and understandable clinical criteria for
26 authorization and reauthorization, and an appeal process.

27 The prior authorization form must not exceed two pages in
28 length and must be available and transmissible in an electronic
29 format.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 654 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON JORGENSEN)

A BILL FOR

1 An Act relating to continuity of learning for children
2 receiving foster care services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6154YC (1) 85
kh/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. Section 273.2, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 10. The area education agency board shall
4 employ a child welfare liaison to provide services and guidance
5 to local school districts to facilitate the efficient and
6 effective transfer and enrollment of a child receiving foster
7 care services to another school district, including but not
8 limited to guidance relating to the transfer of credit earned
9 for coursework taken by the student, enrollment transition
10 planning, facilitating information sharing between education
11 and child welfare agencies, and developing systems designed to
12 ameliorate the transition issues faced by a child receiving
13 foster care services who is transferring to and enrolling in
14 a school district.

15 Sec. 2. Section 280.29, Code 2014, is amended to read as
16 follows:

17 **280.29 Enrollment of children in foster care — transfer of**
18 **educational records — services.**

19 1. In order to facilitate the educational stability of
20 children ~~in~~ receiving foster care services, a school district,
21 upon notification by an agency of the state that a child
22 ~~is~~ receiving foster care services is transferring ~~into~~ to
23 and enrolling in the school district, shall provide for the
24 immediate and appropriate enrollment of the child. The school
25 district shall do the following:

26 a. Work with an area education agency child welfare liaison
27 in accordance with section 273.2, subsection 10, to develop
28 systems to ease the enrollment transition of a child receiving
29 foster care services to another school.

30 b. Develop procedures for awarding credit for coursework,
31 including electives, completed by a child receiving foster care
32 services while enrolled at another school.

33 (1) Credits and grades earned and offered for acceptance
34 shall be based on official transcripts and shall be accepted
35 without validation unless required under the receiving school

LSB 6154YC (1) 85

-1-

kh/rj

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 district's accreditation requirements.
2 (2) If the child earned less than a two point on a
3 four-point scale for a unit of coursework, the school district
4 may require the child to retake the class in middle or
5 high school. If the school district determines the child's
6 proficiencies in an elementary grade are substantially
7 deficient, the child's parent or guardian shall be notified
8 and intensive instructional services and supports pursuant
9 to section 279.68, or an individualized education plan in
10 accordance with chapter 256B, shall be provided if appropriate.
11 c. Promote practices that facilitate access by a child
12 receiving foster care services to extracurricular programs,
13 summer programs, and credit transfer services.
14 d. Establish procedures to lessen the adverse impact of the
15 enrollment transfer of a child receiving foster care services
16 to another school.
17 e. Enter into a memorandum of understanding with the
18 department of human services regarding the exchange of
19 information as appropriate to facilitate the enrollment
20 transition of children receiving foster care services from one
21 school to another school.
22 f. Provide other assistance as identified by the area
23 education child welfare liaison.
24 2. A school district or an accredited nonpublic school,
25 upon notification by an agency of the state that a child in
26 foster care is transferring enrollment from the school district
27 or accredited nonpublic school to another school district or
28 accredited nonpublic school, shall promptly provide for the
29 transfer of all of the educational records of the child not
30 later than five school days after receiving the notification.
31 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
32 with section 25B.2, subsection 3, the state cost of requiring
33 compliance with any state mandate included in this Act shall
34 be paid by a school district from state school foundation aid
35 received by the school district under section 257.16. This

LSB 6154YC (1) 85

-2-

kh/rj

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 specification of the payment of the state cost shall be deemed
2 to meet all of the state funding-related requirements of
3 section 25B.2, subsection 3, and no additional state funding
4 shall be necessary for the full implementation of this Act
5 by and enforcement of this Act against all affected school
6 districts.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to continuity of learning for children
11 placed in foster care by requiring every area education
12 agency to employ a child welfare liaison to provide services
13 and guidance to school districts in the area to facilitate
14 the efficient and effective enrollment transfer of a child
15 receiving foster care services. The bill directs school
16 districts to work with the liaison to develop systems to ease
17 the transition of a child receiving foster care services to
18 another school.

19 The services and guidance the liaison must provide to local
20 school districts include but are not limited to guidance
21 relating to the transfer of credit, transition planning,
22 facilitating information sharing between education and child
23 welfare agencies, and developing systems designed to ameliorate
24 the enrollment transition issues faced by a child receiving
25 foster care services who is transferring to and enrolling in
26 a school district.

27 School districts must develop procedures for awarding credit
28 for coursework, including electives, completed by such a child
29 while enrolled at another school. If the child earned less
30 than a 2.0 on a 4.0 scale for a unit of coursework, the school
31 district may require the child to retake the class. If the
32 child's proficiencies in an elementary grade are substantially
33 deficient, the district must provide intensive instructional
34 services and supports or an individualized education plan if
35 appropriate.

LSB 6154YC (1) 85

-3-

kh/rj

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 School districts must also promote practices that facilitate
2 access by such a child to extracurricular programs, summer
3 programs, and credit transfer services; establish procedures to
4 lessen the adverse impact of enrollment transition to another
5 school; and enter into a memorandum of understanding with
6 the department of human services regarding the exchange of
7 information to facilitate the enrollment transition of foster
8 care children from one school to another school.

9 The bill may include a state mandate as defined in Code
10 section 25B.3. The bill requires that the state cost of
11 any state mandate included in the bill be paid by a school
12 district from state school foundation aid received by the
13 school district under Code section 257.16. The specification
14 is deemed to constitute state compliance with any state mandate
15 funding-related requirements of Code section 25B.2. The
16 inclusion of this specification is intended to reinstate the
17 requirement of political subdivisions to comply with any state
18 mandates included in the bill.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 655 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON SCHULTZ)

A BILL FOR

1 An Act creating a derelict building grant program and fund and
2 making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6166YC (3) 85
tm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. NEW SECTION. 455B.861 Derelict building grant
2 program — fund.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. *“Abandoned building”* means a building that is owned by an
6 eligible community that has been abandoned for three or more
7 years.

8 b. *“Eligible community”* means a city with a population of
9 five thousand or fewer or a school district that includes a
10 population of five thousand or fewer.

11 2. The department shall establish and administer a derelict
12 building grant program to provide financial assistance
13 to eligible communities to address abandoned buildings by
14 promoting waste abatement, diversion, selective dismantlement
15 of building components, and recycling. The program shall be
16 administered in accordance with rules adopted by the commission
17 pursuant to chapter 17A.

18 3. Financial assistance under the program shall consist
19 of grants in an amount not to exceed five hundred thousand
20 dollars. A grant shall not exceed seventy-five percent of the
21 total costs of promoting waste abatement, diversion, selective
22 dismantlement, and recycling of a single abandoned building.

23 4. Eligible costs for financial assistance under the
24 program include but are not limited to asbestos and other
25 hazardous material abatement and removal, the recovery and
26 processing of recyclable or reusable material through selective
27 dismantlement, and reimbursement for purchased recycled content
28 materials used in the renovation of buildings.

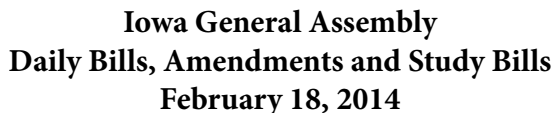
29 5. a. A derelict building grant fund is created in the
30 state treasury under the control of the department. The fund
31 shall include moneys appropriated by the general assembly and
32 any other moneys available to and obtained or accepted by the
33 department, including moneys from public or private sources.
34 Moneys in the fund are appropriated to the department and shall
35 be used exclusively to carry out the provisions of this section

LSB 6166YC (3) 85

-1-

tm/rj

1/3



1 as determined by the department, and shall not require further
2 special authorization by the general assembly.

3 *b.* Notwithstanding section 8.33, moneys appropriated in this
4 section that remain unencumbered or unobligated at the close of
5 the fiscal year shall not revert but shall remain available for
6 expenditure for the purposes designated until the close of the
7 fiscal year that ends five years after the end of the fiscal
8 year for which the appropriation was made.

9 Sec. 2. APPROPRIATION. There is appropriated from the
10 general fund of the state to the department of natural
11 resources for the fiscal year beginning July 1, 2014, and
12 ending June 30, 2015, the following amount, for deposit in the
13 derelict building grant fund:

15 EXPLANATION

18 This bill requires the department of natural resources to
19 create a derelict building grant program to provide financial
20 assistance to eligible communities to address abandoned
21 buildings by promoting waste abatement, diversion, selective
22 dismantlement of building components, and recycling. Under
23 the program, an eligible community is a city with a population
24 of 5,000 or fewer or a school district that includes a
25 population of 5,000 or fewer. Financial assistance under the
26 program shall consist of grants in an amount not to exceed
27 \$500,000 and a grant shall not exceed 75 percent of the total
28 costs of promoting waste abatement, diversion, selective
29 dismantlement, and recycling of a single abandoned building.
30 Eligible costs for financial assistance include but are not
31 limited to asbestos and other hazardous material abatement and
32 removal, the recovery and processing of recyclable or reusable
33 material through selective dismantlement, and reimbursement for
34 purchased recycled content materials used in the renovation of
35 buildings.

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 The bill creates a derelict building grant fund in the state
2 treasury under the control of the department.

3 The bill appropriates \$25 million to the department for FY
4 2014-2015 for deposit in the derelict building grant fund.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 656 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act exempting military survivor benefits for certain
2 purposes of the state individual income tax and including
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6163YC (2) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. Section 422.5, subsection 3, paragraph a, Code
2 2014, is amended to read as follows:
3 a. The tax shall not be imposed on a resident or nonresident
4 whose net income, as defined in section 422.7, is thirteen
5 thousand five hundred dollars or less in the case of married
6 persons filing jointly or filing separately on a combined
7 return, heads of household, and surviving spouses or nine
8 thousand dollars or less in the case of all other persons;
9 but in the event that the payment of tax under this division
10 would reduce the net income to less than thirteen thousand five
11 hundred dollars or nine thousand dollars as applicable, then
12 the tax shall be reduced to that amount which would result
13 in allowing the taxpayer to retain a net income of thirteen
14 thousand five hundred dollars or nine thousand dollars as
15 applicable. The preceding sentence does not apply to estates
16 or trusts. For the purpose of this subsection, the entire net
17 income, including any part of the net income not allocated
18 to Iowa, shall be taken into account. For purposes of this
19 subsection, net income includes all amounts of pensions or
20 other retirement income, except for military survivor benefits
21 excluded under section 422.7, subsection 31A, paragraph "a",
22 received from any source which is not taxable under this
23 division as a result of the government pension exclusions in
24 section 422.7, or any other state law. If the combined net
25 income of a husband and wife exceeds thirteen thousand five
26 hundred dollars, neither of them shall receive the benefit
27 of this subsection, and it is immaterial whether they file a
28 joint return or separate returns. However, if a husband and
29 wife file separate returns and have a combined net income of
30 thirteen thousand five hundred dollars or less, neither spouse
31 shall receive the benefit of this paragraph, if one spouse has
32 a net operating loss and elects to carry back or carry forward
33 the loss as provided in section 422.9, subsection 3. A person
34 who is claimed as a dependent by another person as defined in
35 section 422.12 shall not receive the benefit of this subsection

LSB 6163YC (2) 85

-1-

aw/sc

1/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 if the person claiming the dependent has net income exceeding
2 thirteen thousand five hundred dollars or nine thousand dollars
3 as applicable or the person claiming the dependent and the
4 person's spouse have combined net income exceeding thirteen
5 thousand five hundred dollars or nine thousand dollars as
6 applicable.

7 Sec. 2. Section 422.5, subsection 3B, paragraph a, Code
8 2014, is amended to read as follows:

9 a. The tax shall not be imposed on a resident or nonresident
10 who is at least sixty-five years old on December 31 of
11 the tax year and whose net income, as defined in section
12 422.7, is thirty-two thousand dollars or less in the case
13 of married persons filing jointly or filing separately on a
14 combined return, heads of household, and surviving spouses or
15 twenty-four thousand dollars or less in the case of all other
16 persons; but in the event that the payment of tax under this
17 division would reduce the net income to less than thirty-two
18 thousand dollars or twenty-four thousand dollars as applicable,
19 then the tax shall be reduced to that amount which would result
20 in allowing the taxpayer to retain a net income of thirty-two
21 thousand dollars or twenty-four thousand dollars as applicable.
22 The preceding sentence does not apply to estates or trusts.
23 For the purpose of this subsection, the entire net income,
24 including any part of the net income not allocated to Iowa,
25 shall be taken into account. For purposes of this subsection,
26 net income includes all amounts of pensions or other retirement
27 income, except for military survivor benefits excluded under
28 section 422.7, subsection 31A, paragraph "a", received from any
29 source which is not taxable under this division as a result
30 of the government pension exclusions in section 422.7, or any
31 other state law. If the combined net income of a husband and
32 wife exceeds thirty-two thousand dollars, neither of them shall
33 receive the benefit of this subsection, and it is immaterial
34 whether they file a joint return or separate returns. However,
35 if a husband and wife file separate returns and have a combined

LSB 6163YC (2) 85

-2-

aw/sc

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 net income of thirty-two thousand dollars or less, neither
2 spouse shall receive the benefit of this paragraph, if one
3 spouse has a net operating loss and elects to carry back or
4 carry forward the loss as provided in section 422.9, subsection
5 3. A person who is claimed as a dependent by another person as
6 defined in section 422.12 shall not receive the benefit of this
7 subsection if the person claiming the dependent has net income
8 exceeding thirty-two thousand dollars or twenty-four thousand
9 dollars as applicable or the person claiming the dependent
10 and the person's spouse have combined net income exceeding
11 thirty-two thousand dollars or twenty-four thousand dollars as
12 applicable.

13 Sec. 3. Section 422.7, Code 2014, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 31A. a. Subtract, to the extent included,
16 amounts received as survivor benefits by a taxpayer from the
17 federal government pursuant to 10 U.S.C. §1447, et seq.

18 b. The exclusion of survivor benefits under this subsection
19 is in addition to any exclusion provided under subsection 31.

20 Sec. 4. RETROACTIVE APPLICABILITY. This division of this
21 Act applies retroactively to January 1, 2014, for tax years
22 beginning on or after that date.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill exempts military survivor benefits for certain
27 purposes of the state individual income tax.

28 The bill exempts from the individual income tax all
29 military survivor benefits received by a taxpayer from the
30 federal government. The exemption is in addition to the
31 general pension exclusion in current Iowa Code. The bill
32 also exempts military survivor benefits from the net income
33 calculations used to determine certain personal income tax
34 filing thresholds.

35 The bill applies retroactively to January 1, 2014, for tax

LSB 6163YC (2) 85

-3-

aw/sc

3/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 years beginning on or after that date.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 657 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act specifying procedures applicable to claims asserting
2 stray electric current or voltage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6160YC (2) 85
rn/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. NEW SECTION. 476D.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Board*" means the utilities board within the utilities
5 division of the department of commerce.

6 2. "*Dairy producer*" means any person or entity that owns or
7 operates a dairy farm or that owns cows that do or are intended
8 to produce milk.

9 3. "*Utility*" means a public utility as defined in section
10 476.1 or, for purposes of this chapter, any other person owning
11 or operating more than one thousand five hundred miles of
12 transmission lines and associated facilities in this state.

13 Sec. 2. NEW SECTION. 476D.2 Utility inspections — stray
14 current or voltage.

15 1. A dairy producer in this state that claims that its
16 dairy cows are being affected by stray current or voltage shall
17 provide written notice to a utility providing electric service
18 to the dairy producer and may provide written notice to the
19 board. The notice shall include a nonbinding statement as to
20 why the dairy producer claims its dairy cows are being affected
21 by electrical energy attributable to the utility.

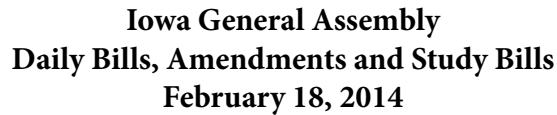
22 2. a. Within fourteen business days after receipt of a
23 notice alleging stray current or voltage by a utility pursuant
24 to subsection 1, the utility shall take or arrange for the
25 taking of measurements to identify the existence and magnitude
26 of the stray current or voltage, if any. A dairy producer
27 providing notice of the claim shall permit entry onto the
28 dairy farm at dates and times mutually agreed upon by the
29 dairy producer and the utility. The utility shall perform no
30 other service or inspection on the dairy farm beyond taking
31 measurements of stray current or voltage, except the utility
32 may advise the dairy producer as to recommended on-farm
33 remedial action and may perform such on-farm remedial action
34 with the permission of the dairy producer. The utility or its
35 representative shall abide by the dairy farm's biosecurity

LSB 6160YC (2) 85

-1-

rn/nh

1/4



b. A dairy producer may include with the notice provided pursuant to subsection 1, or in a subsequent notice, a written request for the board to take or arrange for the taking of separate and independent measurements to identify the existence and magnitude of stray current or voltage, if any. Such a request may also be made by the utility. Measurements by the board shall be taken by a representative of the board directly, or by a neutral third-party expert selected by the board for such purposes. A dairy producer providing notice of the claim shall permit entry onto the dairy farm at dates and times mutually agreed upon by the dairy producer and the board, a representative of the board directly, or by a neutral third-party expert selected by the board for such purposes. The board or a selected third-party expert shall perform no other service or inspection on the dairy farm beyond taking measurements of stray current or voltage, except the board or third-party expert may advise the dairy producer as to recommended on-farm remedial action. The board or the third-party expert shall abide by the dairy farm's biosecurity protocols or, if none, by generally accepted biosecurity protocols in the industry, prior to entry onto the dairy farm. The board shall be provided advance notice of any biosecurity protocols adopted by the dairy producer. The board shall subsequently prepare or cause to be prepared a determination of source document which shall be made available to both the dairy producer and the utility.

2/4



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 cows.

2 The bill provides that a dairy producer in Iowa claiming that
3 its dairy cows are being affected by stray current or voltage
4 shall provide written notice to a utility providing electric
5 service to the dairy producer and may provide written notice to
6 the utilities board of the utilities division of the department
7 of commerce. The notice shall include a nonbinding statement
8 as to why the dairy producer claims its dairy cows are being
9 affected by electrical energy attributable to the utility. The
10 bill states that within 14 business days after receipt of the
11 notice, the utility shall take or arrange for the taking of
12 measurements to identify the existence and magnitude of the
13 stray current or voltage, if any. The bill provides that the
14 dairy producer shall permit entry onto the dairy farm at dates
15 and times mutually agreed upon by the dairy producer and the
16 utility. The utility is required to perform no other service
17 or inspection on the dairy farm beyond taking measurements of
18 stray current or voltage, except the utility may advise the
19 dairy producer as to recommended on-farm remedial action and
20 may perform such on-farm remedial action with the permission
21 of the dairy producer. The bill provides that the utility or
22 its representative shall abide by the dairy farm's biosecurity
23 protocols or, if none, generally accepted biosecurity protocols
24 in the industry, prior to entry onto the dairy farm, and that
25 the utility shall be provided advance notice of any biosecurity
26 protocols adopted by the dairy producer.

27 The bill further provides that the dairy producer may
28 include either as part of the notice or in a separate
29 notification a written request for the board to take or arrange
30 for the taking of separate and independent measurements to
31 identify the existence and magnitude of stray current or
32 voltage, if any, and that such a request may also be made
33 by the utility. Measurements by the board shall be taken
34 by a representative of the board directly, or by a neutral
35 third-party expert selected by the board for such purposes.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 The bill specifies that a dairy producer shall permit entry
2 onto the dairy farm at dates and times mutually agreed upon
3 by the dairy producer and the board, a representative of the
4 board directly, or by a neutral third-party expert selected
5 by the board for such purposes. The same restrictions shall
6 apply to measurements taken by the board or a third-party
7 expert with regard to performing no other service or inspection
8 beyond taking measurements of stray current or voltage except
9 providing advice as to recommended on-farm remedial action,
10 and biosecurity protocols. The bill directs the board to
11 subsequently prepare or cause to be prepared a determination of
12 source document which shall be made available to both the dairy
13 producer and the utility.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 658 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL BY
CHAIRPERSON RAYHONS)

A BILL FOR

1 An Act concerning liability protection for volunteers on state
2 lands.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5679YC (1) 85
ec/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. NEW SECTION. 461A.81 State lands volunteer
2 program — liability.

3 The department shall establish a state lands volunteer
4 program to authorize nonprofit organizations, and individuals
5 providing services on behalf of the nonprofit organizations,
6 to provide, at no compensation, volunteer services for the
7 benefit of state parks and recreation areas, state game
8 and forest areas, or other lands under the jurisdiction of
9 the department of natural resources. The department shall
10 adopt rules governing the administration of the program to
11 include eligibility requirements for nonprofit organizations
12 participating in the program and provisions governing approved
13 volunteer duties or services. Nonprofit organizations,
14 and individuals providing services on behalf of nonprofit
15 organizations, authorized to provide volunteer services for
16 no compensation by the department pursuant to this section
17 shall be considered state volunteers and afforded the same
18 protections as provided in section 669.24 while performing
19 approved volunteer duties or services on state lands, as
20 described in this section, as a volunteer.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill requires the department of natural resources
25 to establish a state lands volunteer program to authorize
26 nonprofit organizations to provide volunteer services for the
27 benefit of state lands. The bill requires the department to
28 adopt rules governing the administration of the program. The
29 bill provides that nonprofit organizations, and individuals
30 providing services on behalf of the nonprofit organizations,
31 authorized to provide volunteer services for no compensation
32 shall be afforded the liability protections of a state
33 volunteer under the state tort claims Act.

LSB 5679YC (1) 85
ec/sc

-1-

1/1



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

House Study Bill 659 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON JORGENSEN)

A BILL FOR

1 An Act relating to misconduct under the code of professional
2 conduct and ethics of the board of educational examiners and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6153YC (2) 85
je/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

H.F. _____

1 Section 1. Section 272.2, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 19. Adopt rules to provide in the board's
4 code of professional conduct and ethics that any licensee
5 of the board, who commits or solicits any sexual conduct
6 as defined in section 709.15, subsection 3, paragraph "a",
7 subparagraph (2), or solicits, encourages, or consummates a
8 romantic relationship with any individual who was a student
9 within ninety days prior to any such conduct alleged in a
10 complaint initiated with the board, if the licensee taught the
11 individual or supervised the individual in any school activity
12 when the individual was a student, engages in unprofessional
13 and unethical conduct that may result in disciplinary action
14 by the board.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill requires the board of educational examiners to
19 adopt administrative rules to provide in the board's code of
20 professional conduct and ethics that any licensee, who commits
21 or solicits any sexual conduct, or solicits, encourages, or
22 consummates a romantic relationship with any individual who was
23 a student within 90 days prior to any such conduct alleged in a
24 complaint initiated with the board, if the licensee taught the
25 individual or supervised the individual in any school activity
26 when the individual was a student, engages in unprofessional
27 and unethical conduct that may result in disciplinary action,
28 including suspension or revocation of a license.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2219 - Introduced

SENATE FILE 2219
BY BOWMAN and SMITH

A BILL FOR

1 An Act providing for a voluntary program to recognize school
2 districts and accredited nonpublic schools that participate
3 in programs that promote financial literacy for high school
4 students.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5997XS (4) 85
je/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2219

1 Section 1. Section 256.9, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 65. a. Develop and implement a voluntary
4 program to recognize school districts and accredited nonpublic
5 schools that participate in programs that promote financial
6 literacy for high school students and that have the following
7 characteristics:

8 (1) Alignment with the state's core curriculum and core
9 content requirements and standards and standards developed
10 by the United States department of the treasury, financial
11 literacy and education commission.

12 (2) Capability for implementation without additional
13 teacher training or cost to students or school districts or
14 schools.

15 (3) Capability for implementation using both existing
16 instructional time or time outside of the school day.

17 (4) Capability for implementation as both a new curriculum
18 component or as a complement to existing curriculum components.

19 (5) Inclusion of a money management system for students.

20 (6) Inclusion of curriculum and supporting materials that
21 can be personalized for students and that were developed
22 through partnerships with financial literacy experts in the
23 public, private, or nonprofit sectors.

24 (7) Inclusion of newsletters that provide families with
25 weekly savings information and the opportunity to participate
26 in their children's activities in the program.

27 (8) Education of students in areas of financial literacy
28 including but not limited to the following:

29 (a) Spending on necessities versus spending on
30 discretionary matters.

31 (b) Creating a budget and spending goals.

32 (c) Banking and personal finance.

33 (d) Paying monthly bills and managing expenses on a set
34 salary.

35 (e) Borrowing and use of credit cards.

LSB 5997XS (4) 85

-1-

je/sc

1/2



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2219

- 1 (f) Understanding financial aid and college expenses.
2 (g) Career planning.
3 b. The governor or the department shall annually recognize
4 school districts or schools in the state that demonstrate that
5 ninety percent of their enrolled students in grade twelve have
6 completed an assessment based on the program developed and
7 implemented pursuant to paragraph "a" with at least an eighty
8 percent competency level.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill directs the director of the department of
13 education to develop and implement a voluntary program to
14 recognize school districts and accredited nonpublic schools
15 that participate in programs that promote financial literacy
16 for high school students and that have characteristics
17 specified in the bill. Such characteristics include alignment
18 with the state's core curriculum and core content requirements
19 and standards and standards developed by the United States
20 department of the treasury, financial literacy and education
21 commission; capability for implementation without additional
22 teacher training or cost to students or school districts or
23 schools; capability for implementation using both existing
24 instructional time or time outside of the school day; inclusion
25 of a money management system for students; and education of
26 students in certain areas of financial literacy.

27 The bill directs the governor or the department to annually
28 recognize school districts or schools in the state that
29 demonstrate that 90 percent of their enrolled students in grade
30 12 have completed an assessment based on the program developed
31 and implemented pursuant to the bill with at least an 80
32 percent competency level.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2220 - Introduced

SENATE FILE 2220
BY CHAPMAN and ANDERSON

A BILL FOR

1 An Act relating to state financing involving the state
2 general fund expenditure limitation by revising calculation
3 requirements for the limitation, increasing reserve fund
4 balances, creating a safety net fund, creating an Iowa
5 personal income tax rate reduction fund, making transfers,
6 and providing for related state personal income tax rate
7 reductions, and including effective and applicability dates.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5000SS (23) 85
jp/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 Section 1. Section 8.54, subsection 1, Code 2014, is amended
2 by adding the following new paragraphs:

3 NEW PARAGRAPH. *Ob.* "Iowa wage and salary component" means
4 the wage and salary component of the quarterly state personal
5 income table for Iowa issued by the bureau of economic analysis
6 of the United States department of commerce. For the purposes
7 of this paragraph and paragraph "c", "quarter" means the
8 calendar year quarter identified in the table issued by the
9 bureau.

10 NEW PARAGRAPH. *c.* "Wage and salary growth factor" means
11 one-half of the percentage increase, if any, in the average
12 of the second quarter Iowa wage and salary component issued
13 immediately prior to the meeting of the revenue estimating
14 conference held by December 15 in accordance with section
15 8.22A, subsection 3, and the Iowa wage and salary components
16 for the three quarters immediately preceding such second
17 quarter component, as compared to the average of the four
18 quarters of the Iowa wage and salary component immediately
19 preceding the oldest quarter used to calculate the first
20 average.

21 Sec. 2. Section 8.54, subsection 2, Code 2014, is amended
22 to read as follows:

23 2. a. There is created a state general fund expenditure
24 limitation for each fiscal year calculated as provided in
25 this section. An expenditure limitation shall be used for
26 the portion of the budget process commencing on the date the
27 revenue estimating conference agrees to a revenue estimate for
28 the following fiscal year in accordance with section 8.22A,
29 subsection 3, and ending with the governor's final approval
30 or disapproval of the appropriations bills applicable to that
31 fiscal year that were passed prior to July 1 of that fiscal
32 year in a regular or extraordinary legislative session.

33 b. A wage and salary growth factor for the following
34 fiscal year shall be calculated jointly by the department of
35 management and the legislative services agency for use in the

LSB 5000SS (23) 85

-1-

jp/rj

1/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 budget process for the following fiscal year in accordance with
2 this section. The wage and salary growth factor calculation
3 for the following fiscal year shall be issued concurrently
4 with the meeting of the revenue estimating conference held by
5 December 15 in which the estimates used to develop the adjusted
6 revenue estimate for the following fiscal year are agreed to
7 by the conference.

8 Sec. 3. Section 8.54, subsection 3, Code 2014, is amended
9 to read as follows:

10 3. Except as otherwise provided in this section, the state
11 general fund expenditure limitation for a fiscal year shall be
12 the lesser of the following amounts:

13 a. ~~ninety-nine~~ Ninety-nine percent of the adjusted revenue
14 estimate for the fiscal year.

15 b. The percentage derived from adding to one hundred percent
16 the wage and salary growth factor calculated for the fiscal
17 year times the final state general fund expenditure limitation
18 for the prior fiscal year.

19 Sec. 4. Section 8.54, subsection 5, Code 2014, is amended by
20 striking the subsection.

21 Sec. 5. Section 8.55, subsection 2, Code 2014, is amended
22 to read as follows:

23 2. The maximum balance of the fund is the amount equal to
24 two and one-half percent of the adjusted revenue estimate for
25 the fiscal year. If the amount of moneys in the Iowa economic
26 emergency fund is equal to the maximum balance, moneys in
27 excess of this amount shall be distributed as follows in the
28 following order:

29 a. The initial excess, not to exceed the amount necessary
30 for the safety net fund to reach its maximum balance of two
31 percent of the adjusted revenue estimate for the fiscal year,
32 shall be transferred to the safety net fund.

33 b. The remainder of the excess, not to exceed one percent
34 of the adjusted revenue estimate, shall be transferred to the
35 secondary road fund.

LSB 5000SS (23) 85

-2-

jp/rj

2/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 c. The remainder of the excess, not to exceed the first
2 sixty million dollars of the difference between the actual net
3 revenue for the general fund of the state for the fiscal year
4 and the adjusted revenue estimate for the fiscal year, shall be
5 transferred to the taxpayers trust fund.

6 ~~b.~~ d. The remainder of the excess, if any, shall be
7 transferred to the ~~general fund of the state~~ Iowa personal
8 income tax rate reduction fund created in section 8.57G.

9 Sec. 6. NEW SECTION. 8.57G Iowa personal income tax rate
10 reduction fund.

11 1. An Iowa personal income tax rate reduction fund is
12 created. The fund shall be separate from the general fund of
13 the state and the balance in the fund shall not be considered
14 part of the balance of the general fund of the state. The
15 moneys credited to the fund are not subject to section 8.33 and
16 shall not be transferred, used, obligated, appropriated, or
17 otherwise encumbered except as provided in this section.

18 2. a. Moneys in the Iowa personal income tax rate reduction
19 fund shall only be used pursuant to appropriations or transfers
20 made by the general assembly for tax relief.

21 b. No later than June 30 in each fiscal year the entire
22 balance of the Iowa personal income tax rate reduction fund, if
23 any, is transferred to the general fund of the state.

24 c. The moneys transferred to the general fund of the state
25 in accordance with paragraph "b" shall not be considered new
26 revenue for purposes of the state general fund expenditure
27 limitation under section 8.54 but instead shall be considered
28 as replacing a like amount included in the expenditure
29 limitation for the fiscal year in which the transfer is made.

30 3. a. Moneys in the Iowa personal income tax rate reduction
31 fund may be used for cash flow purposes during a fiscal year
32 provided that any moneys so allocated are returned to the fund
33 by the end of that fiscal year.

34 b. Except as provided in section 8.58, the Iowa personal
35 income tax rate reduction fund shall be considered a special

LSB 5000SS (23) 85

-3-

jp/rj

3/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 account for the purposes of section 8.53 in determining the
2 cash position of the general fund of the state for the payment
3 of state obligations.

4 4. Notwithstanding section 12C.7, subsection 2, interest or
5 earnings on moneys deposited in the Iowa personal income tax
6 rate reduction fund shall be credited to the fund.

7 Sec. 7. NEW SECTION. 8.57H **Safety net fund.**

8 1. A safety net fund is created. The fund shall be separate
9 from the general fund of the state and the balance in the fund
10 shall not be considered part of the balance of the general fund
11 of the state. The moneys credited to the fund are not subject
12 to section 8.33 and shall not be transferred, used, obligated,
13 appropriated, or otherwise encumbered except as provided in
14 this section.

15 2. Moneys in the safety net fund shall only be used pursuant
16 to appropriations or transfers made by the general assembly
17 to augment appropriations made for important education,
18 employment, health, human services, and other programs to aid
19 individuals and families with low income.

20 3. a. Moneys in the safety net fund may be used for cash
21 flow purposes during a fiscal year provided that any moneys so
22 allocated are returned to the fund by the end of that fiscal
23 year.

24 b. Except as provided in section 8.58, the safety net fund
25 shall be considered a special account for the purposes of
26 section 8.53 in determining the cash position of the general
27 fund of the state for the payment of state obligations.

28 4. Notwithstanding section 12C.7, subsection 2, interest
29 or earnings on moneys deposited in the safety net fund shall
30 be credited to the fund.

31 Sec. 8. Section 8.58, Code 2014, is amended to read as
32 follows:

33 **8.58 Exemption from automatic application.**

34 1. ~~To the extent that moneys appropriated under section~~
35 ~~8.57 do not result in moneys being credited to the general fund~~

LSB 5000SS (23) 85

-4-

jp/rj

4/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 ~~under section 8.55, subsection 2, moneys~~ Moneys appropriated
2 under section 8.57 and moneys contained in the cash reserve
3 fund, rebuild Iowa infrastructure fund, environment first
4 fund, Iowa economic emergency fund, taxpayers trust fund,
5 ~~and state bond repayment fund, Iowa personal income tax rate~~
6 ~~reduction fund, and safety net fund~~ shall not be considered
7 in the application of any formula, index, or other statutory
8 triggering mechanism which would affect appropriations,
9 payments, or taxation rates, contrary provisions of the Code
10 notwithstanding. ~~To the extent that moneys projected to be~~
11 ~~transferred from the Iowa personal income tax rate reduction~~
12 ~~fund to the general fund of the state pursuant to section 8.57G~~
13 ~~replace revenues reduced pursuant to section 422.5, subsection~~
14 ~~1, paragraph "k", such moneys reduction shall not be considered~~
15 ~~by such arbitrator or in such negotiations in the application~~
16 ~~of such mechanisms that affect appropriations, payments, or~~
17 ~~taxation rates.~~

18 2. ~~To the extent that moneys appropriated under section~~
19 ~~8.57 do not result in moneys being credited to the general fund~~
20 ~~under section 8.55, subsection 2, moneys~~ Moneys appropriated
21 under section 8.57 and moneys contained in the cash reserve
22 fund, rebuild Iowa infrastructure fund, environment first
23 fund, Iowa economic emergency fund, taxpayers trust fund,
24 ~~and state bond repayment fund, Iowa personal income tax rate~~
25 ~~reduction fund, and safety net fund~~ shall not be considered
26 by an arbitrator or in negotiations under chapter 20. ~~To the~~
27 ~~extent that moneys projected to be transferred from the Iowa~~
28 ~~personal income tax rate reduction fund to the general fund of~~
29 ~~the state pursuant to section 8.57G replace revenues reduced~~
30 ~~pursuant to section 422.5, subsection 1, paragraph "k", such~~
31 ~~moneys reduction shall not be considered by such arbitrator or~~
32 ~~in such negotiations in the application of such mechanisms that~~
33 ~~affect appropriations, payments, or taxation rates.~~

34 Sec. 9. Section 422.5, subsection 1, Code 2014, is amended
35 by adding the following new paragraph:

LSB 5000SS (23) 85

-5-

jp/rj

5/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 NEW PARAGRAPH. *k.* For the tax year beginning January 1
2 immediately preceding July 1 of any fiscal year in which a
3 transfer is made to the Iowa personal income tax rate reduction
4 fund pursuant to section 8.57G, subsection 2, paragraph “b”,
5 each rate in paragraphs “a” through “i” shall be reduced, and
6 rounded to the nearest one-hundredth of one percent, by the
7 percentage that the amount transferred during the fiscal year
8 to the Iowa personal income tax rate reduction fund bears
9 to the actual net revenue for the general fund of the state
10 for the fiscal year immediately preceding the fiscal year in
11 which such transfer was made to the Iowa personal income tax
12 rate reduction fund. A tax rate reduction provided in this
13 paragraph only applies to the tax year which is the subject
14 of the rate reduction and shall not effect tax rates in any
15 successive tax year. The department shall draft the income tax
16 form for any tax year in which rates are reduced under this
17 paragraph to provide information to taxpayers necessary to
18 calculate the tax due.

19 Sec. 10. Section 422.5, subsection 2, paragraph a, Code
20 2014, is amended to read as follows:

21 *a.* There is imposed upon every resident and nonresident
22 of this state, including estates and trusts, the greater of
23 the tax determined in subsection 1, paragraphs “a” through “j”
24 “k”, or the state alternative minimum tax equal to seventy-five
25 percent of the maximum state individual income tax rate for the
26 tax year, rounded to the nearest one-tenth of one percent, of
27 the state alternative minimum taxable income of the taxpayer as
28 computed under this subsection.

29 Sec. 11. Section 422.11B, Code 2014, is amended to read as
30 follows:

31 **422.11B Minimum tax credit.**

32 1. *a.* There is allowed as a credit against the tax
33 determined in section 422.5, subsection 1, paragraphs “a”
34 through “j” “k” for a tax year an amount equal to the minimum
35 tax credit for that tax year.

LSB 5000SS (23) 85

-6-

jp/rj

6/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 **b.** The minimum tax credit for a tax year is the excess,
2 if any, of the net minimum tax imposed for all prior tax
3 years beginning on or after January 1, 1987, over the amount
4 allowable as a credit under this section for those prior tax
5 years.

6 **2. a.** The allowable credit under subsection 1 for a tax
7 year shall not exceed the excess, if any, of the tax determined
8 in section 422.5, subsection 1, paragraphs "a" through "j" "k"
9 over the state alternative minimum tax as determined in section
10 422.5, subsection 2.

11 **b.** The net minimum tax for a tax year is the excess, if any,
12 of the tax determined in section 422.5, subsection 2, for the
13 tax year over the tax determined in section 422.5, subsection
14 1, paragraphs "a" through "j" "k" for the tax year.

15 Sec. 12. Section 422.16, subsection 1, paragraph a, Code
16 2014, is amended to read as follows:

17 **a.** Every withholding agent and every employer as defined
18 in this chapter and further defined in the Internal Revenue
19 Code, with respect to income tax collected at source, making
20 payment of wages to a nonresident employee working in Iowa,
21 or to a resident employee, shall deduct and withhold from the
22 wages an amount which will approximate the employee's annual
23 tax liability on a calendar year basis, calculated on the
24 basis of tables to be prepared by the department and schedules
25 or percentage rates, based on the wages, to be prescribed by
26 the department, and calculated without regard to the rate
27 reductions provided in section 422.5, subsection 1, paragraph
28 "k". Every employee or other person shall declare to the
29 employer or withholding agent the number of the employee's
30 or other person's personal allowances to be used in applying
31 the tables and schedules or percentage rates. However, no
32 greater number of allowances may be declared by the employee
33 or other person than the number to which the employee or other
34 person is entitled except as allowed under sections 3402(m)(1)
35 and 3402(m)(3) of the Internal Revenue Code and as allowed

LSB 5000SS (23) 85

-7-

jp/rj

7/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 for the child and dependent care credit provided in section
2 422.12C. The claiming of allowances in excess of entitlement
3 is a serious misdemeanor.

4 Sec. 13. EFFECTIVE DATE. This Act takes effect July 1,
5 2015.

6 Sec. 14. APPLICABILITY. The following provisions of this
7 Act are first applicable to calculate the state general fund
8 expenditure limitation for the fiscal year beginning July 1,
9 2015:

10 1. The sections amending section 8.54.

11 2. The sections amending section 8.55.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the state general fund expenditure
16 limitation by revising calculation requirements for the
17 limitation, creating an Iowa personal income tax rate reduction
18 fund, making transfers, and providing for related state
19 personal income tax rate reductions.

20 Code section 8.54, relating to the state general fund
21 expenditure limitation, is amended to provide an additional
22 method for calculating the limitation. Under current law,
23 the limitation is 99 percent of the adjusted revenue estimate
24 for the following fiscal year based on an estimate approved
25 by the revenue estimating conference in a meeting held by
26 December 15. The new calculation method in the bill is based
27 on the growth in the average wage and salary component of the
28 quarterly state personal income table for Iowa issued by the
29 bureau of economic analysis of the United States department of
30 commerce. Under the new method, the department of management
31 and the legislative services agency are directed to apply the
32 component issued for the quarters of a two-year period to
33 jointly calculate a wage and salary growth factor percentage.
34 One-half of this percentage amount, combined with 100 percent,
35 is applied to the amount of the state general fund expenditure

LSB 5000SS (23) 85

-8-

jp/rj

8/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 limitation for the prior fiscal year (fiscal year in progress).
2 The lesser amount identified by the two methods is required to
3 be used as the state general fund expenditure limitation in the
4 budget process for the following fiscal year.

5 Under current law, if a surplus is anticipated for the
6 general fund of the state at the close of a fiscal year, any
7 excess remaining, after the surplus is applied to bring state
8 reserve funds to their maximum balances, is transferred back
9 to the state general fund for the following fiscal year. The
10 original state general fund expenditure limitation for that
11 following fiscal year is required to be readjusted to reflect
12 the amount of excess anticipated to be transferred. The bill
13 repeals the current law requirements for the excess in Code
14 sections 8.54(5) and 8.55(2) and instead requires the excess
15 to be transferred in the following order: first to the safety
16 net fund created by the bill, up to the maximum balance for
17 the safety net fund which is established as 2 percent of the
18 adjusted revenue estimate for the fiscal year; next, to the
19 secondary road fund in an amount of up to 1 percent of the
20 adjusted revenue estimate for the fiscal year; next, to the
21 taxpayer trust fund, up to the maximum amount specified in
22 current law; and the entire remainder to the personal income
23 tax rate reduction fund created by the bill.

24 New Code section 8.57G creates an Iowa personal income tax
25 reduction fund separate from the general fund. Moneys in the
26 fund can only be used pursuant to appropriations or transfers
27 made by the general assembly for tax relief and for temporary
28 cash flow purposes.

29 New Code section 8.57H creates a safety net fund separate
30 from the general fund. Moneys in the fund can only be used
31 pursuant to appropriations or transfers made by the general
32 assembly to augment appropriations made for important
33 education, employment, health, human services, and other
34 programs to aid individuals and families with low income.

35 Moneys in the new funds are treated similarly to other

LSB 5000SS (23) 85

-9-

jp/rj

9/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2220

1 reserve funds under Code section 8.58 and exempted from
2 automatic application in triggering mechanisms which affect
3 appropriations, payments, or taxation rates and cannot be
4 considered by an arbitrator or in collective bargaining
5 negotiations under Code chapter 20.

6 Moneys transferred to the Iowa personal income tax rate
7 reduction fund are required to be transferred to the general
8 fund of the state by the end of the same fiscal year and treated
9 as a replacement of revenue resulting from the individual
10 income tax rate reduction provided for in the bill.

11 For tax years beginning January 1 immediately preceding July
12 1 of a fiscal year in which a transfer is made to the Iowa
13 personal income tax rate reduction fund, the rates for each of
14 the nine tax brackets of the individual income tax are required
15 to be reduced by the percentage that the amount transferred
16 to the fund bears to the state's actual net revenue for the
17 preceding fiscal year. Tax rate reductions only apply for one
18 tax year and do not affect tax rates in any successive tax
19 year. Withholding agents and employers are prohibited from
20 factoring in such an individual income tax rate reduction in
21 their calculation of appropriate employee withholding amounts
22 during a tax year. Under the bill, the tax year beginning
23 January 1, 2016, is the first tax year to which the individual
24 income tax rate reduction may apply.

25 The bill takes effect July 1, 2015. However, the provisions
26 affecting calculation of the state general fund expenditure
27 limitation are first applicable for the budget process for the
28 fiscal year beginning July 1, 2015 (FY 2015-2016).



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2221 - Introduced

SENATE FILE 2221
BY CHELGREN

A BILL FOR

1 An Act providing for the issuance of special disabled veteran
2 vehicle registration plates to certain disabled veterans who
3 qualify for a persons with disabilities parking permit.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5873XS (2) 85
dea/tm



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2221

1 Section 1. Section 321.34, Code 2014, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 14A. *Disabled veteran plates.* An owner
4 referred to in subsection 12, or an owner of a trailer used
5 to transport a wheelchair, who is a veteran of the armed
6 forces of the United States and, due to a service-connected
7 disability, is a person with a disability as defined in
8 section 321L.1 may, upon written application to the department,
9 order special registration plates with a disabled veteran
10 processed emblem. The processed emblem shall be designed by
11 the department in consultation with the adjutant general.
12 The special registration plates with a disabled veteran
13 processed emblem shall only be issued if the application is
14 accompanied by documentation identifying the person as a
15 disabled veteran with a service-connected disability along
16 with a statement from a physician licensed under chapter 148
17 or 149, a physician assistant licensed under chapter 148C, an
18 advanced registered nurse practitioner licensed under chapter
19 152, or a chiropractor licensed under chapter 151, written on
20 the physician's, physician assistant's, nurse practitioner's,
21 or chiropractor's stationery, stating the nature of the
22 applicant's service-connected disability and such additional
23 information as required by rules adopted by the department.
24 The application shall be approved by the department, and the
25 disabled veteran plates shall be issued to the applicant in
26 exchange for the registration plates previously issued to the
27 person. There shall be no fee in addition to the regular
28 annual registration fee for the disabled veteran plates issued
29 under this subsection. The registration plates with a disabled
30 veteran processed emblem shall be surrendered in exchange for
31 regular registration plates as provided in subsection 12 when
32 the owner of the vehicle no longer qualifies as a person with a
33 disability as defined in section 321L.1.
34 Sec. 2. Section 321L.2, subsection 1, paragraph a,
35 subparagraph (1), Code 2014, is amended to read as follows:

LSB 5873XS (2) 85
dea/tm

-1-

1/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2221

1 (1) Persons with disabilities or disabled veteran
2 registration plates. An applicant may order persons
3 with disabilities registration plates or disabled veteran
4 registration plates pursuant to section 321.34. An applicant
5 may order a persons with disabilities registration plate or
6 a disabled veteran registration plate for a trailer used to
7 transport a wheelchair pursuant to section 321.34 in addition
8 to persons with disabilities registration plates or disabled
9 veteran registration plates ordered by the applicant for a
10 motor vehicle used to tow such a trailer pursuant to section
11 321.34.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill provides for the issuance of special vehicle
16 registration plates with a disabled veteran processed
17 emblem, to be designed by the department of transportation in
18 consultation with the adjutant general. The special disabled
19 veteran plates are available to the owner of a motor truck,
20 motor home, multipurpose vehicle, motorcycle, trailer, or
21 travel trailer who is a veteran of the armed forces of the
22 United States and, due to a service-connected disability, meets
23 the definition of a person with a disability eligible to use
24 persons with disabilities parking spaces. Application for
25 the disabled veteran registration plates must be accompanied
26 by documentation identifying the person as a disabled veteran
27 with a service-connected disability along with a statement
28 from a physician, physician assistant, advanced registered
29 nurse practitioner, or chiropractor stating the nature of the
30 applicant's service-connected disability and any additional
31 information required by rules adopted by the department. Upon
32 approval of the application by the department, the disabled
33 veteran registration plates shall be issued without any
34 additional fee, other than the regular registration fee for
35 the vehicle. The disabled veteran registration plates shall

LSB 5873XS (2) 85

-2-

dea/tm

2/3



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2221

1 serve as a persons with a disability parking permit for the
2 disabled veteran. As with regular persons with disabilities
3 special plates, the disabled veteran plates are required to be
4 surrendered in exchange for regular registration plates when
5 the owner of the vehicle no longer qualifies as a person with a
6 disability for purposes of special parking privileges.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2222 - Introduced

SENATE FILE 2222
BY ANDERSON

A BILL FOR

1 An Act relating to the repeal of the state inheritance tax and
2 the state qualified use inheritance tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5938XS (2) 85
mm/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2222

1 Section 1. NEW SECTION. 450.98 Tax repealed.

2 This chapter shall not apply, effective July 1, 2014, to
3 property of estates of decedents dying on or after July 1,
4 2014. The inheritance tax shall not be imposed under this
5 chapter in the event the decedent dies on or after July 1,
6 2014, and to this extent this chapter is repealed.

7 Sec. 2. NEW SECTION. 450B.8 Tax repealed.

8 This chapter shall not apply, effective July 1, 2014, to
9 property of estates of decedents dying on or after July 1,
10 2014. The inheritance tax shall not be imposed under this
11 chapter in the event the decedent dies on or after July 1,
12 2014, and to this extent this chapter is repealed.

13 Sec. 3. CODE EDITOR DIRECTIVE. The Code editor is directed
14 to remove chapters 450 and 450B from the Code and correct
15 appropriate references to chapters 450 and 450B and appropriate
16 references to the inheritance tax and qualified use inheritance
17 tax effective July 1, 2024.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill repeals the state inheritance tax and the state
22 qualified use inheritance tax effective July 1, 2014, for
23 property of estates of decedents dying on or after July 1,
24 2014. Inheritance tax will not be imposed on any property in
25 the event of the death of an individual on or after July 1,
26 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2223 - Introduced

SENATE FILE 2223
BY ANDERSON

A BILL FOR

1 An Act relating to the additional homestead property tax credit
2 for disabled veterans and including applicability date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5864XS (3) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2223

1 Section 1. Section 425.15, Code 2014, is amended to read as
2 follows:
3 **425.15 Disabled veteran tax credit.**
4 If the owner of a homestead allowed a credit under this
5 chapter is a veteran ~~of any of the military forces of the~~
6 ~~United States,~~ who acquired the homestead under 38 U.S.C.
7 § 21.801, 21.802, prior to August 6, 1991, or 38 U.S.C. § 2101,
8 through 2102, or a veteran as defined in section 35.1, with
9 a service-connected disability, as certified by the United
10 States department of veterans affairs, the amount of the
11 credit allowed on the homestead from the homestead credit fund
12 shall be ~~the entire amount~~ a percentage of the tax levied
13 on the homestead, after subtracting the regular homestead
14 credit allowed under section 425.1, that is equivalent to the
15 veteran's service-connected disability rating percentage. The
16 credit allowed shall be continued to the estate of a veteran
17 who is deceased or the surviving spouse and any child, as
18 defined in section 234.1, who are the beneficiaries of a
19 deceased veteran, so long as the surviving spouse remains
20 unmarried. ~~This section is not applicable to the holder~~
21 ~~of title to any homestead whose annual income, together~~
22 ~~with that of the titleholder's spouse, if any, for the last~~
23 ~~preceding twelve-month income tax accounting period exceeds~~
24 ~~thirty-five thousand dollars. For the purpose of this section~~
25 ~~"income" means taxable income for federal income tax purposes~~
26 ~~plus income from securities of state and other political~~
27 ~~subdivisions exempt from federal income tax. A veteran or~~
28 ~~a beneficiary of a veteran who elects to secure the credit~~
29 ~~provided in this section is not eligible for any other real~~
30 ~~property tax exemption provided by law for veterans of military~~
31 ~~service.~~ If a veteran's service-connected disability rating
32 percentage changes, the veteran shall provide written notice to
33 the assessor by July 1 following the date on which the rating
34 percentage is changed. If a veteran acquires a different
35 homestead, the credit allowed under this section may be claimed

**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014**

S.F. 2223

1 on the new homestead unless the veteran fails to meet the other
2 requirements of this section.

3 Sec. 2. APPLICABILITY. This Act applies to property taxes
4 due and payable in fiscal years beginning on or after July 1,
5 2015.

EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 The disabled veterans tax credit under Code section 425.15
10 provides a property tax credit equal to the entire amount of
11 the tax levied on the homestead of a veteran who acquired the
12 homestead under specified federal programs, and who has an
13 income of \$35,000 or less.

14 This bill provides that in addition to those veterans who
15 acquired their homestead under a specified government program,
16 the credit is also allowed for a veteran, as defined in
17 Code section 35.1, who has a service-connected disability as
18 certified by the United States department of veterans affairs.
19 The credit allowed on the homestead is an amount equal to a
20 percentage of the amount of the tax levied on the homestead
21 that is equivalent to the veteran's permanent service-connected
22 disability rating percentage.

23 The bill also strikes the income limitation qualifications
24 for the disabled veteran tax credit and strikes a provision
25 making the veteran receiving this credit ineligible for any
26 other property tax exemption.

27 Code section 25B.7 provides that if a state appropriation
28 made to fund the credit or exemption is not sufficient to fully
29 fund the credit or exemption, the political subdivision shall
30 be required to extend to the taxpayer only that portion of the
31 credit or exemption estimated by the department of revenue to
32 be funded by the state appropriation.

33 The bill applies to property taxes due and payable in fiscal
34 years beginning on or after July 1, 2015.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2224 - Introduced

SENATE FILE 2224

BY GUTH, ERNST, ANDERSON,
BERTRAND, WHITVER,
KAPUCIAN, ZUMBACH,
BREITBACH, SCHNEIDER, BEHN,
GARRETT, ZAUN, CHAPMAN,
GREINER, HOUSER, SINCLAIR,
BOETTGER, SEGEBART, and
ROZENBOOM

A BILL FOR

1 An Act relating to the justifiable use of reasonable force and
2 providing a remedy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5629XS (3) 85
jm/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2224

1 Section 1. Section 704.1, Code 2014, is amended to read as
2 follows:

3 **704.1 Reasonable force.**

4 1. "Reasonable force" is means that force and no more which
5 a reasonable person, in like circumstances, would judge to
6 be necessary to prevent an injury or loss and can include
7 deadly force if it is reasonable to believe that such force is
8 necessary to avoid injury or risk to one's life or safety or
9 the life or safety of another, or it is reasonable to believe
10 that such force is necessary to resist alike force or threat.

11 2. Reasonable force, including deadly force, may be used
12 even if an alternative course of action is available if the
13 alternative entails a risk to life or safety, or the life or
14 safety of a third party, ~~or requires one to abandon or retreat~~
15 ~~from one's dwelling or place of business or employment.~~

16 3. A person may be wrong in the estimation of the danger or
17 the force necessary to repel the danger as long as there is a
18 reasonable basis for the belief of the person and the person
19 acts reasonably in the response to that belief.

20 4. A person who is not engaged in illegal activity has no
21 duty to retreat from any place where the person is lawfully
22 present before using force as specified in this chapter.
23 A finder of fact shall not be permitted to consider the
24 possibility of retreat as a factor in determining whether or
25 not a person who used force reasonably believed that the force
26 was necessary to prevent injury, loss, or risk to life or
27 safety.

28 Sec. 2. Section 704.2, Code 2014, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 1A. A threat to cause serious injury
31 or death, by the production, display, or brandishing of a
32 deadly weapon, is not deadly force, as long as the actions of
33 the person are limited to creating an expectation that the
34 person may use deadly force to defend oneself, another, or as
35 otherwise authorized by law.

LSB 5629XS (3) 85

-1-

jm/rj

1/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2224

1 Sec. 3. NEW SECTION. **704.2A Justifiable use of deadly**
2 **force.**

3 1. For purposes of this chapter, a person is presumed to
4 reasonably believe that deadly force is necessary to avoid
5 injury or risk to one's life or safety or the life or safety of
6 another in either of the following circumstances:

7 a. The person against whom force is used, at the time the
8 force is used, is doing any of the following:

9 (1) Unlawfully entering by force or stealth, or has
10 unlawfully entered by force or stealth and remains within the
11 dwelling, place of business or employment, or occupied vehicle
12 of the person using force.

13 (2) Unlawfully removing or is attempting to unlawfully
14 remove another person against the other person's will from the
15 dwelling, place of business or employment, or occupied vehicle
16 of the person using force.

17 b. The person using force knows or has reason to believe
18 that any of the conditions set forth in paragraph "a" are
19 occurring or have occurred.

20 2. The presumption set forth in subsection 1 does not
21 apply if, at the time force is used, any of the following
22 circumstances are present:

23 a. The person using defensive force is engaged in a
24 criminal offense, is attempting to escape from the scene of a
25 criminal offense that the person has committed, or is using the
26 dwelling, place of business or employment, or occupied vehicle
27 to further a criminal offense.

28 b. The person sought to be removed is a child or grandchild
29 or is otherwise in the lawful custody or under the lawful
30 guardianship of the person against whom force is used.

31 c. The person against whom force is used is a peace officer
32 who has entered or is attempting to enter a dwelling, place
33 of business or employment, or occupied vehicle in the lawful
34 performance of the peace officer's official duties, and the
35 person using force knows or reasonably should know that the

LSB 5629XS (3) 85

-2-

jm/rj

2/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2224

1 person who has entered or is attempting to enter is a peace
2 officer.

3 *d.* The person against whom the force is used has the right
4 to be in, or is a lawful resident of, the dwelling, place of
5 business or employment, or occupied vehicle of the person using
6 force, and a protective or no-contact order is not in effect
7 against the person against whom the force is used.

8 Sec. 4. Section 704.3, Code 2014, is amended to read as
9 follows:

10 **704.3 Defense of self or another.**

11 A person is justified in the use of reasonable force when
12 the person reasonably believes that such force is necessary to
13 defend oneself or another from any actual or imminent use of
14 unlawful force.

15 Sec. 5. NEW SECTION. **704.4A Immunity for justifiable use of**
16 **force.**

17 1. As used in this section, "*criminal prosecution*" means
18 arrest, detention, charging, or prosecution.

19 2. A person who uses reasonable force pursuant to this
20 chapter shall be immune from any criminal prosecution or civil
21 action for using such force.

22 3. A law enforcement agency may use standard investigating
23 procedures for investigating the use of force, but the law
24 enforcement agency shall not arrest a person for using force
25 unless the law enforcement agency determines there is probable
26 cause that the force was unlawful under this chapter.

27 4. The court shall award reasonable attorney fees, court
28 costs, compensation for loss of income, and all expenses
29 incurred by the defendant in defense of any civil action
30 brought by the plaintiff if the court finds that the defendant
31 is immune from prosecution as provided in subsection 2.

32 Sec. 6. Section 704.7, Code 2014, is amended to read as
33 follows:

34 **704.7 Resisting ~~forcible~~ violent felony.**

35 1. As used in this section, "*violent felony*" means any

LSB 5629XS (3) 85

-3-

jm/rj

3/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2224

1 felonious sexual abuse involving compulsion or the use of a
2 weapon or any felonious assault, murder, kidnapping, robbery,
3 arson, or burglary.

4 2. A person who ~~knows~~ reasonably believes that a ~~forcible~~
5 violent felony is being or will imminently be perpetrated is
6 justified in using, ~~against the perpetrator,~~ reasonable force,
7 including deadly force, against the perpetrator or perpetrators
8 to prevent the completion of or terminate the perpetration of
9 that felony.

10 Sec. 7. REPEAL. Section 707.6, Code 2014, is repealed.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 Current law provides that a person may use reasonable force,
15 including deadly force, even if an alternative course of action
16 is available if the alternative entails a risk of life or
17 safety, or the life or safety of a third party, or requires one
18 to abandon or retreat from one's residence or place of business
19 or employment.

20 This bill provides that a person may use reasonable force,
21 including deadly force, if it is reasonable to believe such
22 force is necessary to avoid injury or risk to one's life or
23 safety or the life or safety of another, even if an alternative
24 course of action is available if the alternative entails a risk
25 to life or safety, or the life or safety of a third party.

26 The bill provides that a person may be wrong in the
27 estimation of the danger or the force necessary to repel the
28 danger as long as there is a reasonable basis for the belief
29 and the person acts reasonably in the response to that belief.

30 The bill further provides that a person who is not engaged in
31 an illegal activity has no duty to retreat from any place where
32 the person is lawfully present before using force. The bill
33 prohibits a finder of fact from considering the possibility of
34 retreat as a factor in determining whether or not a person who
35 used force reasonably believed that the force was necessary to

LSB 5629XS (3) 85

-4-

jm/rj

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2224

1 prevent injury, loss, or risk to life or safety.

2 The bill provides that a threat to cause serious injury
3 or death by the production, display, or brandishing of a
4 deadly weapon, is not deadly force, as long as the actions of
5 the person are limited to creating an expectation that the
6 person may use deadly force to defend oneself, another, or as
7 otherwise authorized by law.

8 The bill creates presumptions for the justifiable use of
9 deadly force in certain circumstances.

10 Under the bill, a person is presumed to be justified in
11 using deadly force if the person reasonably believes that
12 deadly force is necessary to avoid injury or risk to one's
13 life or safety or the life or safety of another under the
14 following circumstances: the person against whom force is used
15 is unlawfully entering by force or stealth, or has unlawfully
16 entered by force or stealth and remains within a dwelling,
17 place of business or employment, or occupied vehicle of the
18 person using force; or the person against whom force is used
19 is unlawfully removing or attempting to remove another person
20 against the other person's will from a dwelling, place of
21 business or employment, or occupied vehicle of the person using
22 force. In addition, the person using force must know or have
23 reason to believe that the aforementioned circumstances are
24 occurring or have occurred.

25 The presumption of the use of justifiable deadly force
26 under the bill does not apply at the time force is used in the
27 following circumstances: the person using defensive force is
28 engaged in a criminal offense or activity; the person sought
29 to be removed is a child or grandchild or is otherwise in the
30 lawful custody of the person against whom force is used; the
31 person against whom force is used is a peace officer who has
32 entered or is attempting to enter a dwelling, place of business
33 or employment, or occupied vehicle in the lawful performance
34 of the peace officer's official duties, and the person using
35 force knows or reasonably should know that the person who has

LSB 5629XS (3) 85

-5-

jm/rj

5/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2224

1 entered or is attempting to enter is a peace officer; or the
2 person against whom force is used has the right to be in, or
3 is a lawful resident of, the dwelling, place of business or
4 employment, or occupied vehicle of the person using force, and
5 a protective or no-contact order is not in effect against the
6 person against whom the force is used.

7 The bill provides that a person is justified in the use of
8 reasonable force when the person reasonably believes that such
9 force is necessary to defend oneself or another from any actual
10 as well as imminent use of unlawful force.

11 The bill also provides that a person who uses reasonable
12 force shall be immune from any criminal prosecution or civil
13 action for using such force.

14 Under the bill, a law enforcement agency shall not arrest a
15 person for using force unless it determines there is probable
16 cause that the force was unlawful under Code chapter 704.

17 The bill also provides that if a defendant is sued by a
18 plaintiff for using reasonable force, the court shall award the
19 defendant reasonable attorney fees, court costs, compensation
20 for loss of income, and expenses if the court finds the
21 defendant is immune from prosecution.

22 The bill also provides that a person who reasonably
23 believes that a violent felony is being or will imminently be
24 perpetrated is justified in using reasonable force, including
25 deadly force, against a perpetrator to prevent or terminate the
26 perpetration of that felony. The bill defines "violent felony"
27 to mean any felonious assault, murder, violent or forced sexual
28 abuse, kidnapping, robbery, arson, or burglary.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2225 - Introduced

SENATE FILE 2225
BY JOHNSON and RAGAN

A BILL FOR

1 An Act relating to adoption investigation and report
2 requirements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5632XS (8) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2225

1 Section 1. Section 600.8, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. *a.* A preplacement investigation shall be directed to and
4 a report of this investigation shall answer the following:

5 (1) Whether the home of the prospective adoption petitioner
6 is a suitable one for the placement of a minor person to be
7 adopted.

8 (2) How the prospective adoption petitioner's emotional
9 maturity, finances, health, relationships, and any other
10 relevant factor may affect the petitioner's ability to accept,
11 care, and provide a minor person to be adopted with an adequate
12 environment as that person matures.

13 (3) Whether the prospective adoption petitioner has been
14 convicted of a crime under a law of any state or has a record of
15 founded child abuse. The preplacement investigation and report
16 shall include an examination of the criminal and child abuse
17 records of the prospective adoption petitioner including all
18 of the following:

19 (a) Criminal, child abuse, and sex offender registries
20 maintained by the state.

21 (b) Child abuse registries maintained by any other state in
22 which the prospective adoption petitioner has resided during
23 the five years prior to the issuance of the preplacement
24 investigation report.

25 (c) National biometric identification-based criminal
26 records. For the purposes of international adoption
27 preplacement investigations, the national biometric
28 identification-based criminal record check results obtained
29 pursuant to the standards of the United States department
30 of homeland security shall satisfy the requirement of this
31 subparagraph division.

32 *b.* A postplacement investigation and a report of this
33 investigation shall:

34 (1) Consist of no fewer than three face-to-face visits with
35 the minor person to be adopted and the adoption petitioner to



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2225

1 be conducted within thirty days, ninety days, and one hundred
2 eighty days following the placement and during completion of
3 the minimum residence period specified in section 600.10.
4 ~~(1)~~ (2) Verify the allegations of the adoption petition
5 and its attachments and of the report of expenditures required
6 under section 600.9.
7 ~~(2)~~ (3) Evaluate the progress of the placement of the minor
8 person to be adopted.
9 ~~(3)~~ (4) Determine whether adoption by the adoption
10 petitioner may be in the best interests of the minor person to
11 be adopted.
12 (5) Include documentation verifying that any unique needs
13 of the minor person to be adopted are being appropriately
14 met in the placement before the investigator recommends
15 finalization of the adoption.
16 c. (1) A background information investigation of the
17 medical and social history of the biological parents of the
18 minor person to be adopted and a report of the investigation
19 shall be made by the agency, the person making an independent
20 placement, or an investigator prior to the placement of the
21 minor person to be adopted with any prospective adoption
22 petitioner.
23 (2) The background information investigation and report
24 shall not disclose the identity of the biological parents of
25 the minor person to be adopted.
26 (3) The completed report shall be completed and filed
27 with the court prior to the holding of the adoption hearing
28 prescribed in section 600.12.
29 (4) The report shall be in substantial conformance with the
30 prescribed medical and social history forms designed by the
31 department pursuant to section 600A.4, subsection 2, paragraph
32 "f".
33 (5) A copy of the background information investigation
34 report shall be furnished to the prospective adoption
35 petitioners within thirty days after the filing of the adoption



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2225

1 ~~petition~~ petitioner prior to placement of the minor person to
2 be adopted with the prospective adoption petitioner.

3 (6) Any person, including a juvenile court, who has gained
4 relevant background information concerning a minor person
5 subject to an adoption petition shall, upon request, fully
6 cooperate with the conducting of a background information
7 investigation by disclosing any relevant background
8 information, whether contained in sealed records or not.

9 Sec. 2. Section 600.8, subsection 2, paragraph a, Code 2014,
10 is amended to read as follows:

11 a. (1) A preplacement investigation and report of the
12 investigation shall be completed and the prospective adoption
13 petitioner approved for a placement by the person making the
14 investigation prior to any agency or independent placement of
15 a minor person in the petitioner's home in anticipation of an
16 ensuing adoption.

17 (2) A report of a preplacement investigation that has
18 approved a prospective adoption petitioner for a placement
19 shall not authorize placement of a minor person with that
20 petitioner after ~~one year~~ two years from the date of the
21 report's issuance. However, if the prospective adoption
22 petitioner is a relative within the fourth degree of
23 consanguinity who has assumed custody of a minor person to
24 be adopted, a preplacement investigation of this petitioner
25 and a report of the investigation may be completed at a time
26 established by the juvenile court or court or may be waived as
27 provided in subsection 12.

28 Sec. 3. Section 600.15, Code 2014, is amended to read as
29 follows:

30 **600.15 Foreign and international adoptions.**

31 1. A decree establishing a parent-child relationship by
32 adoption which is issued pursuant to due process of law by a
33 juvenile court or court of any other jurisdiction within or
34 outside the United States shall be recognized in this state.

35 2. For an adoption based on a decree issued by a foreign

LSB 5632XS (8) 85

pf/nh

3/6



**Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014**

S.F. 2225

1 jurisdiction within the United States, an investigator shall
2 conduct a postplacement investigation and issue a postplacement
3 report as provided in section 600.8.

4 3. a. For an adoption based on a decree issued by a
5 jurisdiction outside the United States, an investigator shall
6 conduct a postplacement investigation that consists of a
7 minimum of three face-to-face visits with the minor person
8 and the adoptive parents during the first year after the
9 placement, with the first such visit to be conducted within
10 sixty days of the placement of the minor person in the adoptive
11 home. Additional visits shall be conducted if required by the
12 jurisdiction that issued the decree.

13 b. The postplacement investigation and report under this
14 subsection shall include documentation that any unique needs
15 of the minor person are being appropriately met through the
16 placement.

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to adoption requirements.

21 The bill provides that a preplacement investigation and
22 report shall include examination of the criminal and child
23 abuse records of the prospective adoption petitioner including
24 criminal, child abuse, and sex offender registries maintained
25 by the state; child abuse registries maintained by any other
26 state in which the prospective adoption petitioner has
27 resided during the five years prior to the issuance of the
28 preplacement investigation report; and national biometric
29 identification-based criminal records. Additionally,
30 the bill provides that for the purposes of international
31 adoption preplacement investigations, the national biometric
32 identification-based criminal record check results obtained
33 pursuant to the standards of the United States department of
34 homeland security shall satisfy the requirement.

35 The bill provides that a postplacement investigation and a

LSB 5632XS (8) 85

pf/nh

4/6



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2225

1 report shall, in addition to current requirements, consist of
2 no fewer than three face-to-face visits with the minor person
3 to be adopted and the adoption petitioner to be conducted
4 within 30, 90, and 180 days following the placement and during
5 completion of the minimum residence period which is 180 days
6 unless otherwise provided. Additionally, the preplacement
7 investigation and report is to include documentation verifying
8 that any unique needs of the minor person to be adopted
9 are being appropriately met in the placement before the
10 investigator recommends finalization of the adoption.

11 The bill specifies that the background information
12 investigation is to be of the medical and social history of the
13 biological parents of the minor person to be adopted; that a
14 report of the investigation shall be made by the agency, the
15 person making an independent placement, or an investigator
16 prior to the placement of the minor person to be adopted with
17 any prospective adoption petitioners; that the completed report
18 is to be filed with the court prior to the holding of the
19 adoption hearing; and that a copy of the background information
20 investigation report shall be furnished to the prospective
21 adoption petitioners prior to placement of the minor person to
22 be adopted with the prospective adoption petitioners.

23 The bill extends from one year to two years the period
24 during which a report of a preplacement investigation that has
25 approved a prospective adoption petitioner for a placement may
26 be used to authorize placement of a minor person with that
27 petitioner.

28 With regard to foreign and international adoptions, the
29 bill provides that for an adoption based on a decree issued
30 by a jurisdiction within the United States, postplacement
31 investigations and reports are to be conducted as required
32 for in-state adoptions. For an adoption based on a decree
33 issued by a jurisdiction outside the United States, an
34 investigator shall conduct a postplacement investigation
35 and issue a postplacement report which investigation shall



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2225

1 include a minimum of three face-to-face visits with the minor
2 person and the adoptive parents during the first year after
3 the placement of the minor person in the adoptive home. In
4 addition to the minimum visits required, additional visits
5 shall be conducted if required by the jurisdiction that issued
6 the decree. Additionally, any postplacement investigation and
7 report relating to adoptions issued by a jurisdiction outside
8 the United States are to include documentation that any unique
9 needs of the minor person are being appropriately met through
10 the placement.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2226 - Introduced

SENATE FILE 2226
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3160)

A BILL FOR

1 An Act establishing a low-income program supplement for school
2 districts to provide programs serving low-income pupils.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6034SV (2) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2226

1 Section 1. Section 257.1, subsection 2, paragraph b, Code
2 2014, is amended to read as follows:

3 b. For the budget year commencing July 1, 1999, and for each
4 succeeding budget year the regular program foundation base per
5 pupil is eighty-seven and five-tenths percent of the regular
6 program state cost per pupil. For the budget year commencing
7 July 1, 1991, and for each succeeding budget year the special
8 education support services foundation base is seventy-nine
9 percent of the special education support services state cost
10 per pupil. The combined foundation base is the sum of the
11 regular program foundation base, the special education support
12 services foundation base, the total teacher salary supplement
13 district cost, the total professional development supplement
14 district cost, the total early intervention supplement district
15 cost, the total teacher leadership supplement district cost,
16 the total area education agency teacher salary supplement
17 district cost, ~~and~~ the total area education agency professional
18 development supplement district cost, and the low-income
19 program supplement.

20 Sec. 2. Section 257.1, subsection 3, Code 2014, is amended
21 to read as follows:

22 3. *Computations rounded.* In making computations and
23 payments under this chapter, except in the case of computations
24 relating to funding of special education support services,
25 media services, and educational services provided through the
26 area education agencies, and the teacher salary supplement, the
27 professional development supplement, the early intervention
28 supplement, ~~and~~ the teacher leadership supplement, and the
29 low-income program supplement, the department of management
30 shall round amounts to the nearest whole dollar.

31 Sec. 3. Section 257.4, subsection 1, paragraph a, Code 2014,
32 is amended by adding the following new subparagraph:

33 NEW SUBPARAGRAPH. (10) The amount of the low-income program
34 supplement to be received by the school district under section
35 257.10A.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2226

1 Sec. 4. NEW SECTION. 257.10A Low-income program supplement.

2 1. In order to provide additional funding to school
3 districts for programs serving low-income pupils, each district
4 shall receive for each budget year beginning on or after July
5 1, 2015, a low-income program supplement as calculated under
6 subsection 2.

7 2. Each school district's low-income program supplement
8 shall be an amount equal to the number of pupils in the school
9 district, as reported by the school district on the basic
10 educational data survey for the base year, who are eligible for
11 free and reduced price meals under the federal National School
12 Lunch Act and the federal Child Nutrition Act of 1966, 42
13 U.S.C. §1751-1785, multiplied by four hundredths of the regular
14 program state cost per pupil for the budget year.

15 3. Amounts received under this section shall be utilized
16 by a school district to develop or maintain programs for
17 low-income pupils, including but not limited to before and
18 after school educational programs, summer education programs,
19 individual instructional assistance programs, tutoring and
20 mentoring programs, programs to reduce or waive student fees
21 required as part of the school district's educational program,
22 or other programs or assistance approved by the department.

23 4. For purposes of this section, "*low-income pupils*" means
24 pupils who are eligible for free and reduced price meals under
25 the federal National School Lunch Act and the federal Child
26 Nutrition Act of 1966, 42 U.S.C. §1751-1785.

27 5. Providing programs under this subsection for low-income
28 pupils shall not restrict a school district from offering
29 participation in those programs by pupils who are not
30 low-income pupils, using other funds and resources available to
31 the school district for such purposes.

32 Sec. 5. Section 257.16, subsection 4, Code 2014, is amended
33 to read as follows:

34 4. Notwithstanding any provision to the contrary, if
35 the governor orders budget reductions in accordance with



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2226

1 section 8.31, the teacher salary supplement district cost,
2 the professional development supplement district cost, the
3 early intervention supplement district cost, and the teacher
4 leadership supplement district cost as calculated under
5 section 257.10, subsections 9, 10, 11, and 12, ~~and~~ the area
6 education agency teacher salary supplement district cost and
7 the area education agency professional development supplement
8 district cost as calculated under section 257.37A, subsections
9 1 and 2, and the low-income program supplement as calculated
10 under section 257.10A shall be paid in full as calculated and
11 the reductions in the appropriations provided in accordance
12 with this section shall be reduced from the remaining moneys
13 appropriated pursuant to this section and shall be distributed
14 on a per pupil basis calculated with the weighted enrollment
15 determined in accordance with section 257.6, subsection 5.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill provides additional funding to school districts
20 for programs serving low-income pupils, as defined in the bill.

21 Under the bill, each district receives for each budget
22 year beginning on or after July 1, 2015, a low-income program
23 supplement. Each school district's low-income program
24 supplement is an amount equal to the number of pupils in the
25 school district who are eligible for free and reduced price
26 meals multiplied by four hundredths of the regular program
27 state cost per pupil for the budget year.

28 Amounts received by a school district under the bill must be
29 utilized by a school district to develop or maintain programs
30 for low-income pupils, including but not limited to before and
31 after school educational programs, summer education programs,
32 individual instructional assistance programs, tutoring and
33 mentoring programs, programs to reduce or waive student fees
34 required as part of the school district's educational program,
35 or other programs or assistance approved by the department.

LSB 6034SV (2) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2226

1 The amount of the low-income program supplement is included
2 within the combined foundation base and is paid to each school
3 district as part of the state foundation aid under Code section
4 257.1.

5 The bill specifies that providing programs for low-income
6 pupils does not restrict a school district from offering
7 participation in those programs to pupils who are not
8 low-income pupils, using other funds available to the school
9 district.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate File 2227 - Introduced

SENATE FILE 2227
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2081)

A BILL FOR

1 An Act relating to exception to policy provisions for Medicaid
2 home and community-based services waivers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5323SV (1) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. 2227

1 Section 1. MEDICAID HOME AND COMMUNITY-BASED SERVICES
2 WAIVERS — EXCEPTION TO POLICY PROVISIONS. The department
3 of human services shall adopt rules pursuant to chapter 17A
4 specifying that an individual who is a recipient of home and
5 community-based services waiver services based on an exception
6 to policy shall continue to be eligible for and receive the
7 services granted through the exception to policy request
8 beyond the period specified in the exception to policy, if,
9 at the time of review of the exception to policy and in lieu
10 of submitting a new request, the individual's primary health
11 care provider submits a confirmation to the department of human
12 services stating that there is little or no probability that
13 the individual's status upon which the existing exception to
14 policy was granted will significantly change in the period
15 until the next review.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill directs the department of human services to adopt
20 rules specifying that an individual who is a recipient of
21 home and community-based services waiver services based on
22 an exception to policy shall continue to be eligible for and
23 receive the services granted through the exception to policy
24 request beyond the period specified in the exception to policy,
25 if, at the time of review of the exception to policy and in lieu
26 of submitting a new request, the individual's primary health
27 care provider submits a confirmation to the department of human
28 services stating that there is little or no probability that
29 the individual's status upon which the existing exception to
30 policy was granted will significantly change in the period
31 until the next review.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate Study Bill 3197 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act making changes to the campaign finance laws and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6148XC (7) 85
aw/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 Section 1. Section 68A.201, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. a. Every committee, as defined in this chapter, shall
4 file a statement of organization within ten days from the date
5 of its organization. Unless formal organization has previously
6 occurred, a committee is deemed to have organized as of the
7 date that committee transactions exceed the financial activity
8 threshold established in section 68A.102, subsection 5 or
9 18. If committee transactions exceed the financial activity
10 threshold prior to the due date for filing a disclosure report
11 as established under section 68A.402, the committee shall file
12 a disclosure report whether or not a statement of organization
13 has been filed by the committee.

14 b. A person who makes one or more independent expenditures
15 or electioneering communications, as defined in section
16 68A.404, and files all statements required by section 68A.404
17 shall not be required to organize a committee or file the
18 statement of organization required under this section.

19 Sec. 2. Section 68A.404, subsection 1, Code 2014, is amended
20 to read as follows:

21 1. a. As used in this section, "*independent expenditure*"
22 means one or more expenditures in excess of seven hundred fifty
23 dollars in the aggregate for a communication that expressly
24 advocates the nomination, election, or defeat of a clearly
25 identified candidate or the passage or defeat of a ballot issue
26 that is made without the prior approval or coordination with a
27 candidate, candidate's committee, or a ballot issue committee.

28 b. (1) As used in this section, "*electioneering*
29 *communication*" means one or more expenditures in excess of seven
30 hundred fifty dollars in the aggregate for a communication
31 that clearly identifies a candidate for elective office, but
32 does not expressly advocate the nomination, election, or
33 defeat of the candidate, and that is disseminated, broadcast,
34 or otherwise published within sixty days of the election for
35 the office sought by that candidate, that is made without the

LSB 6148XC (7) 85

-1-

aw/sc

1/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 prior approval or coordination with a candidate, candidate's
2 committee, or a ballot issue committee, and that meets the
3 following conditions:
4 (a) Is for broadcast, cable, or satellite communications
5 and is intended to be received by fifteen thousand or more
6 individuals in total for statewide office or three thousand or
7 more individuals in total for other offices.
8 (b) Is for mass mailing, print, or telephonic communication
9 and is intended to be received by two thousand five hundred or
10 more households in total for statewide office five hundred or
11 more households in total for other offices.
12 (2) "Electioneering communication" does not include:
13 (a) A communication appearing in a news story, commentary,
14 or editorial distributed through the facilities of any
15 broadcasting station, unless such facilities are owned or
16 controlled by a political party, committee, or candidate.
17 (b) A candidate debate or forum conducted pursuant to
18 regulations adopted by the board, or any communication the sole
19 purpose of which is to promote such a debate or forum and the
20 communication is made by or on behalf of the person sponsoring
21 the debate or forum.
22 (c) A communication on the internet or through electronic
23 mail that is not a paid advertisement on another internet site
24 or through an internet communications service.
25 (d) Any communication that the board determines does not
26 constitute an electioneering communication under rules adopted
27 by the board as consistent with this chapter.
28 c. A political subdivision of this state may by resolution
29 reduce the thresholds for electioneering communications in
30 paragraph "b", subparagraph (1) for elections for offices for
31 that political subdivision.
32 Sec. 3. Section 68A.404, subsection 2, paragraphs a and b,
33 Code 2014, are amended to read as follows:
34 a. ~~An entity~~ A person, other than an individual or
35 individuals, shall not make an independent expenditure or



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 electioneering communication or disburse funds from its
2 treasury to pay for, in whole or in part, an independent
3 expenditure or electioneering communication that can reasonably
4 be expected to be made by another person, as defined in
5 section 68A.102, without the authorization of a majority
6 of the ~~entity's~~ contributing person's board of directors,
7 executive council, or similar organizational leadership body
8 of the use of treasury funds for an independent expenditure
9 or electioneering communication involving a candidate or
10 ballot issue committee. Such authorization must occur in the
11 same calendar year in which the independent expenditure or
12 electioneering communication is incurred.

13 **b.** Such authorization shall expressly provide whether
14 the board of directors, executive council, or similar
15 organizational leadership body authorizes one or more
16 independent expenditures ~~that expressly advocate the nomination~~
17 ~~or election of a candidate or passage of a ballot issue~~
18 ~~or authorizes one or more independent expenditures that~~
19 ~~expressly advocate the defeat of a candidate or ballot issue~~ or
20 electioneering communications.

21 Sec. 4. Section 68A.404, subsection 2, Code 2014, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. **d.** For purposes of the donor information
24 required in subsection 5, a person, as defined in section
25 68A.102, may reasonably expect that a contribution or transfer
26 of funds to a person subject to the authorization requirements
27 of paragraph "a" will be used for independent expenditures
28 or electioneering communications if the recipient of such
29 a contribution or transfer could reasonably be expected to
30 make such expenditures or communications or has made such
31 expenditures or communications in the last five years, unless
32 any of the following apply:

33 (1) The contribution or transfer of funds is made in the
34 ordinary course of business.

35 (2) The person making the contribution or transfer and

LSB 6148XC (7) 85

-3-

aw/sc

3/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 recipient agree in writing that the funds will not be used for
2 independent expenditures or electioneering communications.

3 Sec. 5. Section 68A.404, subsection 3, Code 2014, is amended
4 by striking the subsection and inserting in lieu thereof the
5 following:

6 3. a. A person, other than a committee registered under
7 this chapter, who makes one or more independent expenditures
8 or electioneering communications shall file an independent
9 expenditure or electioneering communication statement whichever
10 is appropriate. All statements required by this section shall
11 be filed in an electronic format as prescribed by rule.

12 b. A statement filed in accordance with paragraph "a" shall
13 not require identification of individual stockholders of a
14 business corporation or individual members who pay dues to a
15 labor union as part of a collective bargaining agreement.

16 Sec. 6. Section 68A.404, subsection 4, Code 2014, is amended
17 to read as follows:

18 4. a. An independent expenditure or electioneering
19 communication statement shall be filed within forty-eight hours
20 of the making of an independent expenditure or electioneering
21 communication in excess of seven hundred fifty dollars in the
22 aggregate, or within forty-eight hours of disseminating the
23 communication to its intended audience, whichever is earlier.
24 For purposes of this section, an independent expenditure or
25 electioneering communication is made when the independent
26 expenditure communication or electioneering communication
27 is purchased or ordered regardless of whether or not the
28 person making the independent expenditure or electioneering
29 communication has been billed for the cost of the independent
30 expenditure or electioneering communication.

31 b. An independent expenditure or electioneering
32 communication statement shall be filed with the board and the
33 board shall immediately make the independent expenditure or
34 electioneering communication statement available for public
35 viewing.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 *c.* For purposes of this section, an independent expenditure
2 or electioneering communication is made at the time that the
3 cost is incurred.

4 Sec. 7. Section 68A.404, subsection 5, unnumbered paragraph
5 1, Code 2014, is amended to read as follows:

6 The independent expenditure or electioneering communication
7 statement shall contain all of the following information:

8 Sec. 8. Section 68A.404, subsection 5, paragraphs *c* and *g*,
9 Code 2014, are amended to read as follows:

10 *c.* Identification of the candidate or ballot issue benefited
11 by the independent expenditure or electioneering communication.

12 *g.* A certification by an officer of the corporation
13 that the board of directors, executive council, or similar
14 organizational leadership body expressly authorized the
15 independent expenditure or electioneering communication or
16 use of treasury funds for the independent expenditure or
17 electioneering communication by resolution or other affirmative
18 action within the calendar year when the independent
19 expenditure or electioneering communication was incurred.

20 Sec. 9. Section 68A.404, subsection 5, Code 2014, is amended
21 by adding the following new paragraphs:

22 NEW PARAGRAPH. *h.* Except as provided in paragraph *“i”*, the
23 name and address of every donor or other source of funding in
24 excess of twenty-five dollars, and the amount of contribution
25 from each such donor or other source of funding, contributed or
26 transferred to the person making the independent expenditures
27 or electioneering communications within the past twelve months
28 unless any of the following apply:

29 (1) The contribution or transfer of funds is made in the
30 ordinary course of business.

31 (2) The person making the contribution or transfer and the
32 recipient agree in writing that the funds will not be used for
33 independent expenditures or electioneering communications.

34 NEW PARAGRAPH. *i.* If the person making the independent
35 expenditure or electioneering communication finances the

LSB 6148XC (7) 85

-5-

aw/sc

5/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 expenditure exclusively from funds in a segregated account,
2 the name and address of every donor or other source of funding
3 in excess of twenty-five dollars, and the amount of each
4 contribution from each such donor, or other source of funding
5 contributed or transferred to that segregated account, within
6 the past twelve months, but not those of donors or sources of
7 funds outside of that segregated account.

8 NEW PARAGRAPH. *j.* If the person making the independent
9 expenditure or electioneering communication received a
10 contribution or transfer of funds in excess of seven hundred
11 fifty dollars from another person, other than an individual,
12 the person making the expenditure or communication must
13 disclose the identity of the contributing person, the amount
14 received from the contributing person, and the name, address,
15 and dollar amount of donations of the five donors, if any,
16 who have contributed the largest amounts of money to the
17 person making the independent expenditure or electioneering
18 communication in the twelve months prior to the expenditure or
19 communication being made, unless any of the following apply for
20 any of such five donors:

21 (1) The contribution or transfer of funds is made in the
22 ordinary course of business.

23 (2) The person making the contribution or transfer and the
24 recipient agree in writing that the funds will not be used for
25 independent expenditures or electioneering communications.

26 Sec. 10. Section 68A.404, subsections 6, 7, and 8, Code
27 2014, are amended to read as follows:

28 6. Any person making an independent expenditure or
29 electioneering communication shall comply with the attribution
30 requirements of section 68A.405.

31 7. A person making an independent expenditure or
32 electioneering communication shall not engage or retain an
33 advertising firm or consultant that has also been engaged
34 or retained within the prior six months by the candidate,
35 candidate's committee, or ballot issue committee that is



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 benefited by the independent expenditure or electioneering
2 communication.

3 8. a. The board shall develop, prescribe, furnish,
4 and distribute forms for the independent expenditure and
5 electioneering communication statements required by this
6 section.

7 b. The board shall adopt rules pursuant to chapter 17A for
8 the implementation of this section.

9 Sec. 11. Section 68A.404, Code 2014, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 7A. A person, other than an individual, who
12 makes one or more independent expenditures or electioneering
13 communications and files all statements required by this
14 section shall not be required to organize a committee or file
15 the statement of organization required under section 68A.201.

16 NEW SUBSECTION. 7B. a. This section does not apply to a
17 candidate, committee, state statutory political committee, or
18 county statutory political committee.

19 b. This section does not apply to a federal committee or an
20 out-of-state committee that makes an independent expenditure or
21 electioneering communication.

22 Sec. 12. Section 68A.405, subsection 1, paragraph h, Code
23 2014, is amended to read as follows:

24 h. If the published material is the result of an independent
25 expenditure or electioneering communication subject to section
26 68A.404, the published material shall include a statement that
27 the published material was not authorized by any candidate,
28 candidate's committee, state statutory political committee,
29 county statutory political committee, or ballot issue
30 committee.

31 Sec. 13. NEW SECTION. 68A.507 **Concealment and**
32 **misrepresentation.**

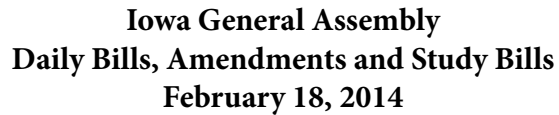
33 1. A person shall not make a contribution or transfer
34 through an agent or intermediary for the purposes of
35 misrepresenting the source of such contribution or transfer.

LSB 6148XC (7) 85

-7-

aw/sc

7/10



1 2. A person shall not solicit another person to make a
2 contribution or transfer on behalf of the soliciting person for
3 the purposes of misrepresenting the source of such contribution
4 or transfer.

6 If any provision of this chapter, or the application of this
7 chapter to any person or circumstance, is held invalid, such
8 holding shall not affect the provisions or applications of this
9 chapter which can be given effect without the invalid provision
10 or application, and to that end the provisions of this chapter
11 are severable.

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

17 Current Code section 68A.404 regulates independent
18 expenditures, which are defined as one or more expenditures
19 in excess of \$750 in the aggregate for a communication that
20 expressly advocates the nomination, election, or defeat of
21 a clearly identified candidate or the passage or defeat of
22 a ballot issue that is made without the prior approval or
23 coordination with a candidate, candidate's committee, or a
24 ballot issue committee. Code section 68A.404 provides that an
25 entity, other than an individual, may not make an independent
26 expenditure without prior authorization of its board of
27 directors or similar organizational leadership body and
28 requires that a person making an independent expenditure file a
29 statement in electronic format with the board within 48 hours
30 of making the expenditure or disseminating a communication,
31 whichever is earlier disclosing information specified in
32 statute. The board is required to immediately make the
33 statement available for public viewing. A person making an
34 independent expenditure is also required to file disclosure
35 reports required for certain organized committees engaging in

8/10



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 political activity.

2 The bill changes "entity" to the defined term "person" for
3 purposes of Code section 68A.404.

4 The bill provides that electioneering communications shall
5 be regulated by the Iowa ethics and campaign finance disclosure
6 board in the same manner as independent expenditures.

7 The bill defines "electioneering communication" as one
8 or more expenditures in excess of \$750 in the aggregate
9 for a communication that clearly identifies a candidate
10 for elective office, but does not expressly advocate the
11 nomination, election or defeat of the candidate that is
12 disseminated, broadcast, or otherwise published within 60 days
13 of the election, that is made without the prior approval or
14 coordination with a candidate, candidate's committee, or a
15 ballot issue committee, and is intended to be received by a
16 certain size audience, as specified in the bill.

17 The bill provides that a person who makes independent
18 expenditures or electioneering communications and files all
19 required statements is not required to organize a committee or
20 file a statement of organization.

21 The bill provides that, for purposes of expenditure
22 or communication disclosure statements, a person or an
23 entity can reasonably expect that certain contributions or
24 transfers of funds will be used for independent expenditures
25 or electioneering communications, unless certain conditions
26 specified in the bill apply.

27 The bill strikes current Code language requiring the filing
28 of committee disclosure reports by persons making independent
29 expenditures and requires only the filing of independent
30 expenditure statements or electioneering communications
31 statements required by Code section 68A.404.

32 The bill amends the disclosure statement requirements in
33 Code section 68A.404 to require disclosure of the name and
34 address and amount given of every donor or other source of
35 funding in excess of \$25 received by the person making the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 independent expenditure or electioneering communication. If
2 the person making the independent expenditure or electioneering
3 communication uses funds exclusively allocated from a
4 segregated account, the person need only disclose donors to
5 that segregated bank account. The statute currently only
6 requires disclosure of donors if the donations were given for
7 the purpose of furthering the independent expenditure.

8 The bill requires that if a person making an independent
9 expenditure or electioneering communication receives a
10 contribution in excess of \$750 from another person, the person
11 making the expenditure or communication must disclose on the
12 statement the name, address, and the dollar amount of donations
13 of the five donors, if any, who have contributed the largest
14 amounts of money in the 12 months prior to the expenditure or
15 communication being made.

16 The bill enacts new Code section 68A.507, which prohibits
17 a person from making a contribution or transfer through an
18 agent or intermediary for the purposes of misrepresenting
19 the source of such contribution or transfer. The bill also
20 prohibits a person from soliciting another person to make such
21 contributions or transfers.

22 The bill further establishes a severability clause for Code
23 chapter 68A, providing that if any provision or application of
24 Code chapter 68A is held invalid, that such holding shall not
25 affect the provisions or applications that can be given effect
26 without the invalid provision or application.

27 Under current law, a violation of a provision of Code chapter
28 68A is considered a serious misdemeanor. A serious misdemeanor
29 is punishable by confinement for no more than one year and a
30 fine of at least \$315 but not more than \$1,875.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate Study Bill 3198 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR BUDGET
BILL)

A BILL FOR

1 An Act relating to and making appropriations to the department
2 of cultural affairs, the economic development authority,
3 the Iowa finance authority, the public employment relations
4 board, and the department of workforce development, and
5 providing for other properly related matters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5013XG (6) 85
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Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 Section 1. 2013 Iowa Acts, chapter 137, section 16,
2 subsection 1, is amended to read as follows:

3 SEC. 16. DEPARTMENT OF CULTURAL AFFAIRS.

4 1. There is appropriated from the general fund of the state
5 to the department of cultural affairs for the fiscal year
6 beginning July 1, 2014, and ending June 30, 2015, the following
7 amounts, or so much thereof as is necessary, to be used for the
8 purposes designated:

9 a. ADMINISTRATION

10 For salaries, support, maintenance, and miscellaneous
11 purposes, ~~and for not more than the following full-time~~
12 ~~equivalent positions for the department:~~

13	\$	85,907
14		<u>176,882</u>
15	FTEs	<u>74.50</u>

16 The department of cultural affairs shall coordinate
17 activities with the tourism office of the economic development
18 authority to promote attendance at the state historical
19 building and at this state's historic sites.

20 ~~Full-time equivalent positions authorized under this~~
21 ~~paragraph shall be funded, in full or in part, using moneys~~
22 ~~appropriated under this paragraph and paragraphs "c" through~~
23 ~~"g".~~

24 b. COMMUNITY CULTURAL GRANTS

25 For planning and programming for the community cultural
26 grants program established under section 303.3:

27	\$	86,045
28		<u>172,090</u>

29 c. HISTORICAL DIVISION

30 For the support of the historical division:

31	\$	<u>1,583,851</u>
32		<u>3,167,701</u>

33 d. HISTORIC SITES

34 For the administration and support of historic sites:

35	\$	<u>213,199</u>
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LSB 5013XG (6) 85

-1-

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1/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 426,398
2 e. ARTS DIVISION
3 For the support of the arts division:
4 \$ 616,882
5 1,233,764
6 Of the moneys appropriated in this paragraph, the department
7 shall allocate \$300,000 for purposes of the film office.
8 f. IOWA GREAT PLACES
9 For the Iowa great places program established under section
10 303.3C:
11 \$ 75,000
12 150,000
13 g. ARCHIVE IOWA GOVERNORS' RECORDS
14 For archiving the records of Iowa governors:
15 \$ 32,967
16 65,933
17 h. RECORDS CENTER RENT
18 For payment of rent for the state records center:
19 \$ 113,622
20 227,243
21 i. BATTLE FLAGS
22 For continuation of the project recommended by the Iowa
23 battle flag advisory committee to stabilize the condition of
24 the battle flag collection:
25 \$ 47,000
26 94,000
27 Sec. 2. 2013 Iowa Acts, chapter 137, section 18, is amended
28 to read as follows:
29 SEC. 18. ECONOMIC DEVELOPMENT AUTHORITY.
30 1. APPROPRIATION
31 a. There is appropriated from the general fund of the state
32 to the economic development authority for the fiscal year
33 beginning July 1, 2014, and ending June 30, 2015, the following
34 amount, or so much thereof as is necessary, to be used for the
35 purposes designated in this subsection, ~~and for not more than~~

LSB 5013XG (6) 85

ad/tm

2/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 ~~the following full-time equivalent positions:~~

2 \$ ~~7,734,483~~

3 15,516,372

4 FTEs ~~149.00~~

5 b. (1) For salaries, support, miscellaneous purposes,
6 programs, marketing, and the maintenance of an administration
7 division, a business development division, a community
8 development division, a small business development division,
9 and other divisions the authority may organize.

10 ~~(2) The full-time equivalent positions authorized under~~
11 ~~this section shall be funded, in whole or in part, by the~~
12 ~~moneys appropriated under this subsection or by other moneys~~
13 ~~received by the authority, including certain federal moneys.~~

14 (3) For business development operations and programs,
15 international trade, export assistance, workforce recruitment,
16 and the partner state program.

17 (4) For transfer to the strategic investment fund created
18 in section 15.313.

19 (5) For community economic development programs, tourism
20 operations, community assistance, plans for Iowa green corps
21 and summer youth programs, the mainstreet and rural mainstreet
22 programs, the school-to-career program, the community
23 development block grant, and housing and shelter-related
24 programs.

25 (6) For achieving the goals and accountability, and
26 fulfilling the requirements and duties required under this Act.

27 c. Notwithstanding section 8.33, moneys appropriated in
28 this subsection that remain unencumbered or unobligated at the
29 close of the fiscal year shall not revert but shall remain
30 available for expenditure for the purposes designated in this
31 subsection until the close of the succeeding fiscal year.

32 2. FINANCIAL ASSISTANCE RESTRICTIONS

33 a. A business creating jobs through moneys appropriated in
34 subsection 1 shall be subject to contract provisions requiring
35 new and retained jobs to be filled by individuals who are

LSB 5013XG (6) 85

-3-

ad/tm

3/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 citizens of the United States who reside within the United
2 States or any person authorized to work in the United States
3 pursuant to federal law, including legal resident aliens in the
4 United States.

5 b. Any vendor who receives moneys appropriated in
6 subsection 1 shall adhere to such contract provisions and
7 provide periodic assurances as the state shall require that the
8 jobs are filled solely by citizens of the United States who
9 reside within the United States or any person authorized to
10 work in the United States pursuant to federal law, including
11 legal resident aliens in the United States.

12 c. A business that receives financial assistance from
13 the authority from moneys appropriated in subsection 1 shall
14 only employ individuals legally authorized to work in this
15 state. In addition to all other applicable penalties provided
16 by current law, all or a portion of the assistance received
17 by a business which is found to knowingly employ individuals
18 not legally authorized to work in this state is subject to
19 recapture by the authority.

20 3. USES OF APPROPRIATIONS

21 a. From the moneys appropriated in subsection 1, the
22 authority may provide financial assistance in the form of a
23 grant to a community economic development entity for conducting
24 a local workforce recruitment effort designed to recruit former
25 citizens of the state and former students at colleges and
26 universities in the state to meet the needs of local employers.

27 b. From the moneys appropriated in subsection 1, the
28 authority may provide financial assistance to early stage
29 industry companies being established by women entrepreneurs.

30 c. From the moneys appropriated in subsection 1, the
31 authority may provide financial assistance in the form of
32 grants, loans, or forgivable loans for advanced research and
33 commercialization projects involving value-added agriculture,
34 advanced technology, or biotechnology.

35 d. The authority shall not use any moneys appropriated in

LSB 5013XG (6) 85

-4-

ad/tm

4/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 subsection 1 for purposes of providing financial assistance for
2 the Iowa green streets pilot project or for any other program
3 or project that involves the installation of geothermal systems
4 for melting snow and ice from streets or sidewalks.

5 ~~4. WORLD FOOD PRIZE~~

6 ~~There is appropriated from the general fund of the state~~
7 ~~to the economic development authority for the fiscal year~~
8 ~~beginning July 1, 2014, and ending June 30, 2015, the following~~
9 ~~amount for the world food prize and in lieu of the standing~~
10 ~~appropriation in section 15.368, subsection 1:~~

11 \$ 400,000

12 5. IOWA COMMISSION ON VOLUNTEER SERVICE

13 There is appropriated from the general fund of the state
14 to the economic development authority for the fiscal year
15 beginning July 1, 2014, and ending June 30, 2015, the following
16 amount for allocation to the Iowa commission on volunteer
17 service for purposes of the Iowa state commission grant
18 program, and the Iowa's promise and Iowa mentoring partnership
19 programs, ~~and for not more than the following full-time~~
20 ~~equivalent positions:~~

21 \$ 89,067

22 178,133

23 FTEs 7.00

24 Of the moneys appropriated in this subsection, the authority
25 shall allocate ~~\$37,500~~ \$75,000 for purposes of the Iowa state
26 commission grant program and ~~\$51,567~~ \$103,133 for purposes of
27 the Iowa's promise and Iowa mentoring partnership programs.

28 Notwithstanding section 8.33, moneys appropriated in this
29 subsection that remain unencumbered or unobligated at the close
30 of the fiscal year shall not revert but shall remain available
31 for expenditure for the purposes designated until the close of
32 the succeeding fiscal year.

33 6. COUNCILS OF GOVERNMENTS — ASSISTANCE

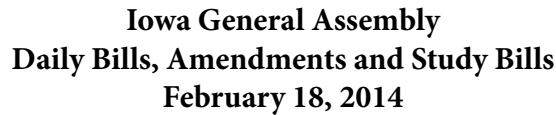
34 There is appropriated from the general fund of the state
35 to the economic development authority for the fiscal year

LSB 5013XG (6) 85

-5-

ad/tm

5/11





Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 nursing facility level of care for home and community-based
2 services waiver services as in effect on July 1, 2014, and
3 to those individuals who are eligible for the federal money
4 follows the person grant program under the medical assistance
5 program. Of the moneys appropriated in this section, not more
6 than \$35,000 may be used for administrative costs.

7 Sec. 5. 2013 Iowa Acts, chapter 137, section 24, is amended
8 to read as follows:

9 SEC. 24. PUBLIC EMPLOYMENT RELATIONS BOARD.

10 1. There is appropriated from the general fund of the state
11 to the public employment relations board for the fiscal year
12 beginning July 1, 2014, and ending June 30, 2015, the following
13 amount, or so much thereof as is necessary, for the purposes
14 designated:

15 For salaries, support, maintenance, and miscellaneous
16 purposes, ~~and for not more than the following full-time~~
17 ~~equivalent positions:~~

18	\$	670,963
19		<u>1,342,452</u>
20	FTEs	<u>10.00</u>

21 2. Of the moneys appropriated in this section, the board
22 shall allocate \$15,000 for maintaining a website that allows
23 searchable access to a database of collective bargaining
24 information.

25 Sec. 6. 2013 Iowa Acts, chapter 137, section 25, is amended
26 to read as follows:

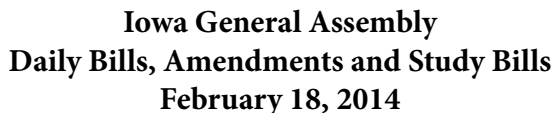
27 SEC. 25. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
28 is appropriated from the general fund of the state to the
29 department of workforce development for the fiscal year
30 beginning July 1, 2014, and ending June 30, 2015, the following
31 amounts, or so much thereof as is necessary, for the purposes
32 designated:

33 1. DIVISION OF LABOR SERVICES

34 a. For the division of labor services, including salaries,
35 support, maintenance, and miscellaneous purposes, ~~and for not~~

LSB 5013XG (6) 85
ad/tm

7/11





Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 subsection, the department shall allocate \$150,000 to the state
2 library for the purpose of licensing an online resource which
3 prepares persons to succeed in the workplace through programs
4 which improve job skills and vocational test-taking abilities.

5 ~~e. Of the moneys appropriated in paragraph "a" of this~~
6 ~~subsection, the department shall allocate at least \$1,130,602~~
7 ~~for the operation of the three satellite field offices~~
8 ~~projected by the department to serve the most people from the~~
9 ~~offices located in Decorah, Fort Madison, Iowa City, or Webster~~
10 ~~City.~~

11 4. OFFENDER REENTRY PROGRAM

12 a. For the development and administration of an offender
13 reentry program to provide offenders with employment skills,
14 ~~and for not more than the following full-time equivalent~~
15 ~~positions:~~

16	\$	142,232
17		<u>284,464</u>
18	FTEs	<u>4.00</u>

19 b. The department of workforce development shall partner
20 with the department of corrections to provide staff within the
21 correctional facilities to improve offenders' abilities to find
22 and retain productive employment.

23 5. NONREVERSION

24 Notwithstanding section 8.33, moneys appropriated in this
25 section that remain unencumbered or unobligated at the close of
26 the fiscal year shall not revert but shall remain available for
27 expenditure for the purposes designated until the close of the
28 succeeding fiscal year.

29 Sec. 7. 2013 Iowa Acts, chapter 137, section 26, is amended
30 to read as follows:

31 SEC. 26. GENERAL FUND — EMPLOYEE MISCLASSIFICATION

32 PROGRAM. There is appropriated from the general fund of the
33 state to the department of workforce development for the fiscal
34 year beginning July 1, 2014, and ending June 30, 2015, the
35 following amount, or so much thereof as is necessary, to be



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 used for the purposes designated:

2 For enhancing efforts to investigate employers that
3 misclassify workers ~~and for not more than the following~~
4 ~~full-time equivalent positions:~~

5	\$	225,729
6		451,458
7	FTEs	8.10

8 Sec. 8. 2013 Iowa Acts, chapter 137, section 27, is amended
9 to read as follows:

10 SEC. 27. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

11 1. There is appropriated from the special employment
12 security contingency fund to the department of workforce
13 development for the fiscal year beginning July 1, 2014, and
14 ending June 30, 2015, the following amount, or so much thereof
15 as is necessary, to be used for field offices:
16

17	\$	883,042
		1,627,084

18 2. Any remaining additional penalty and interest revenue
19 collected by the department of workforce development is
20 appropriated to the department for the fiscal year beginning
21 July 1, 2014, and ending June 30, 2015, to accomplish the
22 mission of the department.

23 Sec. 9. 2013 Iowa Acts, chapter 137, section 28, is amended
24 to read as follows:

25 SEC. 28. UNEMPLOYMENT COMPENSATION RESERVE FUND —
26 FIELD OFFICES. Notwithstanding section 96.9, subsection 8,
27 paragraph "e", there is appropriated from interest earned on
28 the unemployment compensation reserve fund to the department
29 of workforce development for the fiscal year beginning July 1,
30 2014, and ending June 30, 2015, the following amount or so much
31 thereof as is necessary, for the purposes designated:

32 For the operation of field offices:

33	\$	247,000
34		633,000

35 Sec. 10. 2013 Iowa Acts, chapter 137, section 19, is

LSB 5013XG (6) 85

-10-

ad/tm

10/11



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____ H.F. _____

1 repealed.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill relates to and makes appropriations and transfers
6 from the general fund of the state and other funds to the
7 department of cultural affairs, the economic development
8 authority, the Iowa finance authority, the public employment
9 relations board, and the department of workforce development
10 for the 2014-2015 fiscal year.

11 The bill appropriates moneys from the workforce development
12 fund account to the workforce development fund.

13 The bill appropriates moneys to the department of workforce
14 development for an employee misclassification program.

15 The bill appropriates moneys from the special employment
16 security contingency fund to the department of workforce
17 development for field offices.

18 The bill appropriates interest earned on the unemployment
19 compensation reserve fund to the department of workforce
20 development for the operation of field offices.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

Senate Study Bill 3199 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act concerning pari-mutuel racetracks, by providing for
2 live dog racing at pari-mutuel dog racetracks, alternative
3 licensure for dog racetracks authorized to conduct gambling
4 games, calculating the wagering tax on certain racetracks,
5 and establishing fees.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 6132XC (7) 85
ec/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 Section 1. NEW SECTION. 99D.9A Dog racetrack licensure —
2 fees.

3 1. Upon written notification to the commission by November
4 1, 2014, a licensee authorized to operate a pari-mutuel
5 dog racetrack and to conduct gambling games pursuant to
6 section 99F.6 as of January 1, 2014, may, upon agreement to
7 comply with the requirements of this section, discontinue
8 performances of live dog races at the racetrack on January 1,
9 2015, and maintain a license under this chapter for purposes
10 of permitting pari-mutuel wagering on simultaneously telecast
11 horse and dog races and for purposes of conducting gambling
12 games.

13 2. Upon discontinuance of live dog racing by a licensee, all
14 of the following shall occur:

15 a. The commission shall determine what portion of the
16 unexpended moneys in the dog racing promotion fund created
17 in section 99D.12 is attributable to the licensee that has
18 discontinued live racing and shall transfer those moneys to
19 the Iowa greyhound pari-mutuel racing fund created in section
20 99D.9B.

21 b. Any agreement, which was approved by the commission
22 for dog purse supplement payments for live racing that was
23 discontinued by the licensee, shall be terminated.

24 c. The commission, the licensee of the pari-mutuel dog
25 racetrack located in Pottawattamie county, and the Iowa
26 greyhound association shall take all action necessary to
27 facilitate the transfer of unexpended moneys, contained in
28 an escrow fund created pursuant to a decision in December
29 1995 regarding dog purse supplements at the racetrack, to the
30 commission, and the commission shall transfer such moneys to
31 the Iowa greyhound association for use by the association
32 pursuant to the requirements of section 99D.9C.

33 d. The licensee shall pay the live racing cessation fee as
34 provided by this section and shall continue to pay the annual
35 license fee and regulatory fee as a pari-mutuel dog racetrack

LSB 6132XC (7) 85

-1-

ec/rj

1/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 licensed to operate gambling games pursuant to the requirements
2 of section 99F.4A.

3 3. For purposes of this section, the live racing cessation
4 fee shall be paid to the commission for deposit in the Iowa
5 greyhound pari-mutuel racing fund created in section 99D.9B,
6 which fee shall be determined as follows:

7 a. For the pari-mutuel dog racetrack located in Dubuque
8 county, the payment of two million one hundred forty-two
9 thousand dollars within two weeks of the discontinuance of live
10 racing at the licensee, and two million one hundred forty-three
11 thousand dollars each January 1 for six consecutive calendar
12 years thereafter, commencing on January 1 of the calendar
13 year following the calendar year in which live racing was
14 discontinued.

15 b. For the pari-mutuel dog racetrack located in
16 Pottawattamie county, the payment of eleven million dollars
17 within two weeks of the discontinuance of live racing at the
18 licensee, and eleven million five hundred thousand dollars
19 each January 1 for six consecutive calendar years thereafter,
20 commencing on January 1 of the calendar year following the
21 calendar year in which live racing was discontinued.

22 4. A licensee who discontinues live racing pursuant to
23 the requirements of this section shall remain licensed as a
24 pari-mutuel dog racetrack licensed to operate gambling games,
25 shall comply with the requirements of this chapter applicable
26 to a dog racetrack licensee except for those requirements
27 applicable to live racing, and shall be permitted, but not
28 required, to conduct pari-mutuel wagering on simultaneously
29 telecast horse and dog races. If a licensee that discontinues
30 live racing pursuant to this section conducts pari-mutuel
31 wagering on simultaneously telecast horse or dog races, the
32 licensee shall carry the simultaneously telecast signal of any
33 dog racetrack facility licensed to conduct live pari-mutuel
34 wagering on dog races within the state at a commercially
35 reasonable rate to be negotiated by the parties and approved

LSB 6132XC (7) 85

-2-

ec/rj

2/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 by the commission.

2 Sec. 2. NEW SECTION. 99D.9B Iowa greyhound pari-mutuel
3 racing fund.

4 1. An Iowa greyhound pari-mutuel racing fund is created in
5 the state treasury under the control of the racing and gaming
6 commission.

7 2. The fund shall consist of all of the following:

8 a. Moneys in the dog racing promotion fund created in
9 section 99D.12 that were deposited in the fund from a dog
10 racetrack licensee that discontinues scheduling performances of
11 live dog races pursuant to section 99D.9A.

12 b. Moneys deposited in the fund from the live racing
13 cessation fee established in section 99D.9A.

14 c. Moneys transferred to the fund from the Iowa greyhound
15 association as provided in section 99D.9C.

16 3. Moneys in the fund shall be distributed by the commission
17 pursuant to rules adopted by the commission. Moneys in
18 the fund shall be distributed by the commission annually
19 and proportionally to eligible recipients based upon each
20 eligible recipient's average annual purse winnings at Iowa
21 dog racetracks for calendar years 2009 through 2014 and the
22 economic impact of the reduction in live dog racing on an
23 eligible recipient as determined by the commission. If,
24 however, a license to conduct pari-mutuel wagering and
25 live racing at a dog racetrack is granted pursuant to an
26 application submitted pursuant to section 99D.9C, any moneys
27 remaining in the fund shall be distributed to the licensee for
28 costs associated with the development of the dog racetrack,
29 including, if otherwise authorized, a facility to conduct
30 gambling games as provided in chapter 99F at the dog racetrack.
31 For purposes of this paragraph, "*eligible recipient*" means
32 greyhound owners, greyhound breeders, and kennel operators who
33 earned purse moneys at any dog racetrack located in the state
34 that discontinued live dog racing pursuant to section 99D.9A
35 from 2009 through 2014, and no-kill animal adoption agencies.

LSB 6132XC (7) 85

-3-

ec/rj

3/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 4. Section 8.33 does not apply to moneys in the fund.
2 Notwithstanding section 12C.7, subsection 2, interest or
3 earnings on moneys deposited in the fund shall be credited to
4 the fund.

5 5. The commission shall adopt rules to administer this
6 section.

7 Sec. 3. NEW SECTION. 99D.9C Alternative dog racetrack
8 licensure — live racing.

9 1. An application for a license to conduct pari-mutuel
10 wagering and live racing at a dog racetrack under this chapter
11 that shall also authorize the licensee to hold a license to
12 conduct gambling games as provided in section 99F.4A may be
13 submitted by the Iowa greyhound association pursuant to this
14 section if the following conditions are met:

15 a. The proposed location of the dog racetrack shall not
16 be within fifty miles of the locations of the pari-mutuel dog
17 racetracks conducting gambling games as of January 1, 2014,
18 that are located in Pottawattamie county and Dubuque county.

19 b. The application for a license shall be submitted to the
20 commission by July 1, 2019.

21 c. The Iowa greyhound association complies with all other
22 requirements for submitting an application for a license under
23 this chapter that are not inconsistent with the requirements of
24 this section.

25 2. Notwithstanding any provision of law to the contrary,
26 the commission shall approve the application for a license
27 to conduct pari-mutuel wagering at a dog racetrack submitted
28 pursuant to this section barring convincing evidence that
29 approval of the application would not be in the best interests
30 of the state.

31 3. The Iowa greyhound association shall establish a fund
32 under its control for the receipt and deposit of escrow fund
33 moneys transferred to the Iowa greyhound association pursuant
34 to section 99D.9A. The Iowa greyhound association shall
35 use moneys in the fund to pay all reasonable and necessary



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 costs and fees associated with pursuing a license under this
2 section for developing a dog racetrack, including, if otherwise
3 authorized, a gambling structure to conduct gambling games as
4 provided in chapter 99F at the dog racetrack. If the Iowa
5 greyhound association is unable to obtain a license pursuant to
6 this section by July 1, 2020, the Iowa greyhound association
7 shall transfer any unused portion of the fund to the commission
8 for deposit in the Iowa greyhound pari-mutuel racing fund
9 created in section 99D.9B.

10 Sec. 4. Section 99D.11, subsection 6, paragraph b, Code
11 2014, is amended to read as follows:

12 b. (1) The commission may authorize the licensee to
13 simultaneously telecast within the racetrack enclosure or
14 licensed premises, for the purpose of pari-mutuel wagering, a
15 horse or dog race licensed by the racing authority of another
16 state. It is the responsibility of each licensee to obtain
17 the consent of appropriate racing officials in other states as
18 required by the federal Interstate Horseracing Act of 1978,
19 15 U.S.C. § 3001 - 3007, to televise races for the purpose of
20 conducting pari-mutuel wagering.

21 (2) A licensee may also obtain the permission of a person
22 licensed by the commission to conduct horse or dog races in
23 this state to televise races conducted by that person for the
24 purpose of conducting pari-mutuel ~~racing~~ wagering. However,
25 arrangements made by a licensee to televise any race for
26 the purpose of conducting pari-mutuel wagering are subject
27 to the approval of the commission, and the commission shall
28 select the races to be televised. The races selected by the
29 commission shall be the same for all licensees approved by the
30 commission to televise races for the purpose of conducting
31 pari-mutuel wagering. The commission shall not authorize the
32 simultaneous telecast or televising of and a licensee shall
33 not simultaneously telecast or televise any horse or dog race
34 for the purpose of conducting pari-mutuel wagering unless the
35 simultaneous telecast or televising is done at the racetrack

LSB 6132XC (7) 85
ec/rj

5/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 of a licensee that schedules no less than sixty performances
2 of nine live races each day of the season or at the licensed
3 premises of a licensee that is no longer obligated to schedule
4 performances of live races pursuant to section 99D.9A.

5 (3) For purposes of the taxes imposed under this chapter,
6 races televised by a licensee for purposes of pari-mutuel
7 wagering shall be treated as if the races were held at the
8 racetrack enclosure or licensed premises of the licensee.

9 Notwithstanding any contrary provision in this chapter, the
10 commission may allow a licensee to adopt the same deductions
11 as those of the pari-mutuel racetrack from which the races are
12 being simultaneously telecast.

13 Sec. 5. Section 99F.4A, subsection 2, Code 2014, is amended
14 to read as follows:

15 2. A license to operate gambling games shall be issued only
16 to a licensee holding a valid license to conduct pari-mutuel
17 dog or horse racing pursuant to chapter 99D on January 1, 1994,
18 or to a licensee holding a valid license to conduct pari-mutuel
19 live dog racing pursuant to chapter 99D under the provisions
20 of section 99D.9C.

21 Sec. 6. Section 99F.4A, subsection 8, paragraph a, Code
22 2014, is amended to read as follows:

23 a. The commission shall, upon the immediate payment of
24 the applicable table games license fee and submission to the
25 commission by June 1, 2005, of an application by a licensee
26 of a pari-mutuel dog or horse racetrack licensed to conduct
27 gambling games at a pari-mutuel racetrack enclosure, issue
28 a license to the licensee to conduct table games of chance,
29 including video machines that simulate table games of chance,
30 at the pari-mutuel racetrack enclosure whose licensee holds a
31 valid license to conduct pari-mutuel dog racing pursuant to
32 chapter 99D on January 1, 1994, subject to the requirements of
33 this subsection. However, a table games license may only be
34 issued to a licensee required to pay a table games license fee
35 of three million dollars under this subsection if the licensee,

LSB 6132XC (7) 85

-6-

ec/rj

6/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 and all other licensees of an excursion gambling boat in that
2 county, file an agreement with the commission authorizing the
3 granting of a table games license under this subsection and
4 permitting all licensees of an excursion gambling boat to
5 operate a moored barge as of a specific date. The licensee
6 shall be granted a table games license by the commission upon
7 payment of the applicable license fee to the commission which
8 table games license fee may be offset by the licensee against
9 taxes imposed on the licensee by section 99F.11, to the extent
10 of twenty percent of the table games license fee paid pursuant
11 to this subsection for each of five consecutive fiscal years
12 beginning with the fiscal year beginning July 1, 2008. Fees
13 paid pursuant to this subsection are not refundable to the
14 licensee. A licensee shall not be required to pay a fee to
15 renew a table games license issued pursuant to this subsection.
16 Moneys collected by the commission from a table games license
17 fee paid under this subsection shall be deposited in the
18 rebuild Iowa infrastructure fund created in section 8.57.

19 Sec. 7. Section 99F.4A, subsection 8, Code 2014, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. *0b.* Upon submission to the commission of
22 an application by a licensee of a pari-mutuel dog racetrack
23 licensed pursuant to the authority of section 99D.9C and
24 authorized to conduct gambling games at a pari-mutuel racetrack
25 enclosure, the commission shall issue a license to the licensee
26 to conduct table games of chance, including video machines that
27 simulate table games of chance, at the pari-mutuel racetrack
28 enclosure.

29 Sec. 8. Section 99F.6, subsection 4, paragraph a,
30 subparagraph (3), Code 2014, is amended to read as follows:

31 (3) The commission shall authorize, subject to the debt
32 payments for horse racetracks and the provisions of paragraph
33 "b" for dog racetracks, a licensee who is also licensed to
34 conduct pari-mutuel dog or horse racing to use receipts from
35 gambling games within the racetrack enclosure to supplement

LSB 6132XC (7) 85
ec/rj

-7-

7/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 purses for races particularly for Iowa-bred horses pursuant to
2 an agreement which shall be negotiated between the licensee and
3 representatives of the dog or horse owners. For agreements
4 subject to commission approval concerning purses for horse
5 racing beginning on or after January 1, 2006, the agreements
6 shall provide that total annual purses for all horse racing
7 shall be no less than eleven percent of the first two hundred
8 million dollars of net receipts, and six percent of net
9 receipts above two hundred million dollars. For agreements
10 subject to commission approval concerning purses for horse
11 racing beginning on or after January 1, 2015, the agreements
12 shall provide for an additional purse supplement amount for all
13 horse racing conducted at the horse racetrack in Polk county
14 equal to an amount representing fifty percent of the difference
15 in the wagering tax calculated for the licensee under section
16 99F.11 using the definition of adjusted gross receipts as
17 provided in section 99F.1 and the definition of adjusted gross
18 receipts for purposes of the licensee as provided in section
19 99F.11. In addition, live standardbred horse racing shall not
20 be conducted at the horse racetrack in Polk county, but the
21 purse moneys designated for standardbred racing pursuant to
22 section 99D.7, subsection 5, paragraph "b", shall be included
23 in calculating the total annual purses required to be paid
24 pursuant to this subsection. Agreements that are subject to
25 commission approval concerning horse purses for a period of
26 time beginning on or after January 1, 2006, shall be jointly
27 submitted to the commission for approval.

28 Sec. 9. Section 99F.6, subsection 4, paragraph b, Code 2014,
29 is amended to read as follows:

30 b. (1) The commission shall authorize the licensees of
31 pari-mutuel dog racetracks located in Dubuque county and ~~Black~~
32 ~~Hawk county~~ to conduct gambling games as provided in section
33 99F.4A if the licensees schedule at least one hundred thirty
34 performances of twelve live races each day during a season of
35 twenty-five weeks. For the pari-mutuel dog racetrack located

LSB 6132XC (7) 85

-8-

ec/rj

8/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 in Pottawattamie county, the commission shall authorize the
2 licensee to conduct gambling games as provided in section
3 99F.4A if the licensee schedules at least two hundred ninety
4 performances of twelve live races each day during a season
5 of fifty weeks. The For the licensee of a pari-mutuel dog
6 racetrack licensed pursuant to the authority of section 99D.9C,
7 the commission shall authorize the licensee to conduct gambling
8 games as provided in section 99F.4A if the licensee schedules
9 at least two hundred ninety performances of twelve live races
10 each day during a season of at least fifty weeks. However,
11 the requirement to schedule performances of live races for
12 purposes of conducting gambling games under this chapter shall
13 not apply to a licensee who is no longer obligated to schedule
14 performances of live races pursuant to section 99D.9A.

15 (2) If a pari-mutuel dog racetrack authorized to conduct
16 gambling games as of January 1, 2014, is required to schedule
17 performances of live races for purposes of conducting gambling
18 games under this chapter, the commission shall approve an
19 annual contract to be negotiated between the annual recipient
20 of the dog racing promotion fund and each dog racetrack
21 licensee to specify the percentage or amount of gambling
22 game proceeds which shall be dedicated to supplement the
23 purses of live dog races. The parties shall agree to a
24 negotiation timetable to insure no interruption of business
25 activity. If the parties fail to agree, the commission
26 shall impose a timetable. If the two parties cannot reach
27 agreement, each party shall select a representative and the
28 two representatives shall select a third person to assist in
29 negotiating an agreement. The two representatives may select
30 the commission or one of its members to serve as the third
31 party. Alternately, each party shall submit the name of the
32 proposed third person to the commission who shall then select
33 one of the two persons to serve as the third party. All
34 parties to the negotiations, including the commission, shall
35 consider that the dog racetracks were built to facilitate the



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 development and promotion of Iowa greyhound racing dogs in this
2 state and shall negotiate and decide accordingly.

3 (3) A pari-mutuel dog racetrack licensed pursuant to the
4 authority of section 99D.9C that conducts gambling games shall
5 dedicate an amount of moneys annually, totaling the combined
6 annual purse supplements paid annually by pari-mutuel dog
7 racetracks discontinuing the performance of live dog races
8 pursuant to section 99D.9A, adjusted annually by the cost of
9 living index, to supplement the purses of live dog races. All
10 parties involved in the supplementation of purses, including
11 the commission, shall consider that the dog racetracks were
12 built to facilitate the development and promotion of Iowa
13 greyhound racing dogs in this state and shall act accordingly.

14 Sec. 10. Section 99F.7, subsection 11, paragraph c, Code
15 2014, is amended to read as follows:

16 c. If a licensee of a pari-mutuel racetrack who held a valid
17 license issued under chapter 99D as of January 1, 1994, or a
18 licensee of a pari-mutuel dog racetrack licensed pursuant to
19 the authority of section 99D.9C, requests a license to operate
20 gambling games as provided in this chapter, the board of
21 supervisors of a county in which the licensee of a pari-mutuel
22 racetrack requests a license to operate gambling games shall
23 submit to the county electorate a proposition to approve or
24 disapprove the operation of gambling games at pari-mutuel
25 racetracks at an election held on a date specified in section
26 39.2, subsection 4, paragraph "a". If the operation of
27 gambling games at the pari-mutuel racetrack is not approved by
28 a majority of the county electorate voting on the proposition
29 at the election, the commission shall not issue a license to
30 operate gambling games at the racetrack.

31 Sec. 11. Section 99F.7, subsection 11, paragraph e, Code
32 2014, is amended to read as follows:

33 e. After a referendum has been held which approved or
34 defeated a proposal to conduct gambling games as provided in
35 this section, another referendum on a proposal to conduct

LSB 6132XC (7) 85

-10-

ec/rj

10/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 gambling games shall not be held until the eighth calendar year
2 thereafter. However, this paragraph shall not apply to an
3 initial referendum on a proposal to conduct gambling games by a
4 licensee of a pari-mutuel dog racetrack licensed pursuant to
5 the authority of section 99D.9C.

6 Sec. 12. Section 99F.11, subsection 2, Code 2014, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *d.* If the licensee is a dog racetrack
9 enclosure licensed pursuant to the authority of section 99D.9C,
10 twenty-two percent.

11 Sec. 13. Section 99F.11, Code 2014, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 4. For purposes of this section, "*adjusted*
14 *gross receipts*" means, for a licensee of a racetrack enclosure
15 conducting live races and gambling games, an amount equal
16 to the adjusted gross receipts from gambling games for the
17 licensee reduced by the amount paid by the licensee during the
18 fiscal year from gambling game proceeds to supplement purses.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill concerns pari-mutuel racetracks authorized to
23 conduct gambling games.

24 New Code section 99D.9A allows a licensee authorized to
25 operate a pari-mutuel dog racetrack and to conduct gambling
26 games as of January 1, 2014, to, upon written notice to the
27 racing and gaming commission, by November 1, 2014, discontinue
28 performances of live dog races on January 1, 2015, and to
29 maintain a license under Code chapter 99D for purposes of
30 permitting, but not requiring, pari-mutuel wagering on
31 simultaneously telecast horse and dog races and continuing
32 to allow the licensee to conduct gambling games. The bill
33 does provide that if the licensee decides to simultaneously
34 telecast horse or dog races, the licensee is required to
35 carry the simultaneously telecast signal of any dog racetrack

LSB 6132XC (7) 85

-11-

ec/rj

11/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 conducting live pari-mutuel wagering on dog races within
2 the state. The bill provides that upon discontinuing live
3 racing, the racing and gaming commission shall transfer any
4 unexpended moneys, contained in the dog racing promotion fund
5 attributable to the licensee discontinuing live dog racing,
6 to an Iowa greyhound pari-mutuel racing fund created in the
7 bill. In addition, upon discontinuing live racing, moneys from
8 an escrow fund for greyhound racing shall be transferred to
9 the Iowa greyhound association and any agreement for dog purse
10 supplement payments for live racing shall be terminated. The
11 licensee, upon discontinuing live dog racing, shall commence
12 paying a new live racing cessation fee which shall be deposited
13 in an Iowa greyhound pari-mutuel racing fund created in the
14 bill. The new Code section sets the live racing cessation fee
15 for the pari-mutuel dog racetrack located in Dubuque county at
16 \$2.142 million, payable upon discontinuing live racing, and
17 at \$2.143 million, payable each January 1 for six calendar
18 years thereafter. For the pari-mutuel dog racetrack located
19 in Pottawattamie county, the live racing cessation fee is set
20 at \$11 million, payable upon discontinuing live racing, and at
21 \$11.5 million, payable each January 1 for six calendar years
22 thereafter. The bill provides that a licensee discontinuing
23 live racing shall continue to pay the annual license fee and
24 regulatory fee as a pari-mutuel dog racetrack licensed to
25 conduct gambling games pursuant to the requirements of Code
26 section 99F.4A.

27 New Code section 99D.9B creates an Iowa greyhound
28 pari-mutuel racing fund under the control of the racing
29 and gaming commission. The fund shall consist of moneys
30 transferred from the dog racing promotion fund and moneys from
31 the live racing cessation fee established in new Code section
32 99D.9A, and any moneys transferred from the Iowa greyhound
33 association as provided in the bill.

34 The bill provides that moneys in the fund shall be
35 distributed by the commission annually and proportionally to

LSB 6132XC (7) 85

-12-

ec/rj

12/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 greyhound owners, greyhound breeders, and kennel operators,
2 and no-kill animal adoption agencies based upon average annual
3 purse winnings from dog races in the state from 2009 through
4 2014 and the economic impact of the reduction in live dog
5 racing as determined by the commission. In addition, the
6 bill requires that if a license to conduct live pari-mutuel
7 wagering at a dog racetrack is granted as provided in the bill,
8 any moneys remaining in the fund shall be distributed to the
9 licensee for costs associated with the development of the dog
10 racetrack and gaming facility.

11 New Code section 99D.9C authorizes the Iowa greyhound
12 association to apply for a license to conduct pari-mutuel
13 wagering and live racing at a dog racetrack and to be eligible
14 to conduct gambling games pursuant to the requirements of
15 Code chapter 99F. The bill provides that the Iowa greyhound
16 association must locate the new dog racetrack at least 50 miles
17 away from the existing dog racetracks in Pottawattamie and
18 Dubuque counties, and submit an application by July 1, 2019.
19 The bill requires the racing and gaming commission to issue
20 the license to the applicant barring any convincing evidence
21 that approval of the license would not be in the best interests
22 of the state. The new Code section also requires the Iowa
23 greyhound association to establish a fund under its control for
24 the receipt and deposit of escrow fund moneys transferred to
25 the Iowa greyhound association pursuant to the requirements of
26 new Code section 99D.9A in the bill. The bill authorizes the
27 association to use moneys in the fund to pay all reasonable and
28 necessary costs and fees associated with pursuing a license
29 and for developing a dog racetrack. If the Iowa greyhound
30 association is unable to obtain a license by July 1, 2020, the
31 bill requires the association to transfer any unused portion of
32 the fund to the commission for deposit in the Iowa greyhound
33 pari-mutuel racing fund created in Code section 99D.9B.

34 Code section 99D.11(6)(b), concerning pari-mutuel wagering
35 on simultaneous telecasts of horse or dog races, is amended

LSB 6132XC (7) 85

-13-

ec/rj

13/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 to allow a simultaneous telecast of horse and dog races at a
2 licensee in this state that is no longer obligated to schedule
3 live dog races pursuant to new Code section 99D.9A on the
4 licensed premises. Under current law, simulcast telecasting
5 of races can only be allowed at a racetrack of a licensee that
6 schedules no less than 60 performances of nine live races each
7 day of the season.

8 Code section 99F.4A, concerning gambling games at
9 pari-mutuel racetracks, is amended to allow a dog racetrack
10 licensee issued a license pursuant to new Code section 99D.9C
11 to conduct gambling games. The Code section is further
12 amended to require the racing and gaming commission to issue
13 the new dog racetrack a license to conduct table games at the
14 racetrack.

15 Code section 99F.6(4)(a) is amended to provide that
16 agreements for horse purses beginning on or after January 1,
17 2015, shall include a supplemental purse amount equal to 50
18 percent of an amount representing the reduction in the wagering
19 tax owed by the horse racetrack licensee due to the changes to
20 Code section 99F.11 in the bill.

21 Code section 99F.6(4)(b) is amended to allow the conduct of
22 gambling games at a pari-mutuel dog racetrack that is no longer
23 obligated to schedule performances of live races pursuant to
24 new Code section 99D.9A. The provision is further amended
25 to require a new dog racetrack licensed pursuant to new Code
26 section 99D.9C to schedule at least 290 performances of 12 live
27 dog races each day during a season of at least 50 weeks in order
28 to conduct gambling games. The provision is further amended
29 to provide that the purse supplements for live dog racing paid
30 annually by a pari-mutuel dog racetrack licensed pursuant to
31 the authority of Code section 99D.9C shall be in an amount of
32 moneys totaling the combined annual purse supplements paid
33 by pari-mutuel dog racetracks discontinuing the performance
34 of live dog races pursuant to Code section 99D.9A, adjusted
35 annually by the cost of living index.

LSB 6132XC (7) 85
ec/rj

14/15



Iowa General Assembly
Daily Bills, Amendments and Study Bills
February 18, 2014

S.F. _____

1 Code section 99F.7(11), concerning referendums to conduct
2 gambling games, is amended to provide that if a new dog
3 racetrack licensed pursuant to new Code section 99D.9C requests
4 a license to conduct gambling games, the applicable county
5 supervisors shall submit the proposition to conduct gambling
6 games at the racetrack to the county electorate at an election
7 for approval. In addition, the bill provides that the current
8 eight-year time limitation on holding a referendum that has
9 been held in a county which has approved or defeated a proposal
10 to conduct gambling games shall not apply to a request for an
11 initial referendum on a proposal to conduct gambling games by a
12 licensee of a pari-mutuel dog racetrack licensed pursuant to
13 the authority of Code section 99D.9C.

14 Code section 99F.11, concerning the wagering tax on adjusted
15 gross receipts from gambling games, is amended. The bill
16 provides that the tax rate on adjusted gross receipts over \$3
17 million on gambling games on the new dog racetrack licensed
18 pursuant to new Code section 99D.9C shall be 22 percent. The
19 Code section is also amended to provide that the adjusted gross
20 receipts for purposes of the wagering tax for a licensee of a
21 racetrack enclosure conducting live races is an amount equal
22 to the adjusted gross receipts from gambling games for the
23 licensee reduced by the amount paid by the licensee during the
24 fiscal year from gambling game proceeds to supplement purses.